

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

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5 UNITED STATES OF AMERICA,)
6 Plaintiff,)
7 vs.) Case No. 1:16CR224
8 BOGDAN NICOLESCU,)
9 RADU MICLAUS,)
10 Defendants.)

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12
13 CONTINUED TRANSCRIPT OF TRIAL PROCEEDINGS HAD
14 BEFORE HONORABLE JUDGE PATRICIA A. GAUGHAN, JUDGE
15 OF SAID COURT, ON FRIDAY, APRIL 5TH, 2019,
16 COMMENCING AT 9:00 O'CLOCK A.M.

17 - - - - -

18 Volume 10, Pages 1793 through 1999
19 - - - - -

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23 Court Reporter: GEORGE J. STAUDUHAR
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1 APPEARANCES:

2 On behalf of the Government:

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8 and

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18 On behalf of Defendant Radu Miclaus:

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24 Also present:

25 Doina Francu, Interpreter

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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Valentin Danet				
By Mr. Goldberg		1915		
By Mr. O'Shea		1969		
Valentin Dima	1796			

Mr. Valentin Danet - Direct

P R O C E E D I N G S

THE COURT: Please be seated, and good morning, ladies and gentlemen.

Please call your next witness.

MR. McDONOUGH: The United States of America calls Valentin Danet.

Please step up to the podium and raise your right hand.

VALENTIN DANET

called as a witness by and on behalf of the Government, being first duly sworn, was examined and testified as follows:

THE WITNESS: Yes, I do swear, your Honor.

THE COURT: Please take a seat right over there.

DIRECT EXAMINATION

BY MR. McDONOUGH:

Q. Good morning.

Please state your first name or your given name for the benefit of our court reporter.

A. Good morning. Valentin, V-a-l-e-n-t-i-n.

Q. If you could take the microphone, slide it toward you —

A. Yeah.

Q. — and increase the volume of your voice.

Mr. Valentin Danet - Direct

1 A. Okay.

2 Q. Could you state your last name or family name, and
3 spell it for the benefit of our court reporter?

4 A. Danet, D-a-n-e-t.

5 Q. Did you commit computer crime with anyone in this
6 courtroom?

7 A. Yes, I did.

8 Q. Who?

9 A. Who in this courtroom?

10 Q. Yes.

11 A. With him, with Bogdan Nicolescu.

12 Q. Could you point out Bogdan Nicolescu and describe
13 the clothing that he is wearing?

14 A. He is right there in the front desk wearing a black
15 suit, blue collared shirt, and writing with a pencil.

16 Q. Is he wearing a tie?

17 A. No, he is not.

18 Q. Is he wearing glasses?

19 A. Yes. Yes, he is.

20 MR. McDONOUGH: May the record reflect this
21 witness identified the Defendant Bogdan Nicolescu?

22 THE COURT: It may reflect.

23 BY MR. McDONOUGH:

24 Q. Who else?

25 A. And with — Radu Miclaus.

Mr. Valentin Danet - Direct

1 Q. Please describe where he is and what he is
2 wearing.

3 A. He is sitting in the second desk over there wearing
4 a blue collared shirt and blue — dark blue or black
5 collar suit.

6 Q. Is he wearing glasses?

7 A. No. He is not wearing any glasses.

8 Q. Is he wearing a tie?

9 A. No tie.

10 MR. McDONOUGH: May the record reflect this
11 witness has identified the Defendant Radu Miclaus?

12 THE COURT: The record may so reflect.

13 BY MR. McDONOUGH:

14 Q. You are a criminal, are you not?

15 A. Yes, I was.

16 Q. You were a liar?

17 A. I did lie, yeah.

18 Q. You committed fraud?

19 A. Through my embarrassment, yes, I did.

20 MR. McDONOUGH: Your Honor, may I use the
21 dry erase board?

22 THE COURT: Oh, certainly.

23 BY MR. McDONOUGH:

24 Q. Did Bogdan Nicolescu have any nicknames?

25 A. Yes, he had.

Mr. Valentin Danet - Direct

1 Q. What nicknames did he have?

2 A. He was known since high school as obe in English.

3 Q. Spell it.

4 A. O-b, also he had the — he went by himself as Bogdan
5 wbow. This was from his license plate.

6 MR. GOLDBERG: Objection.

7 THE COURT: Sustained.

8 BY MR. McDONOUGH:

9 Q. How do you know that Bogdan Nicolescu's name was
10 obe?

11 A. I was with him in high school, whole high school,
12 and it was a nickname that he acquired there.

13 Q. How do you know if he had any other nicknames?

14 A. By communicating with him with those e-mails, and he
15 told me that they were his name, I mean, we were
16 exchanging messages.

17 Q. You exchanged messages or e-mails with Bogdan
18 Nicolescu?

19 A. Yes, I did.

20 Q. What was his e-mail name?

21 A. It was —

22 MR. GOLDBERG: Objection.

23 A. It was —

24 THE COURT: Overruled.

25 A. It was Bogdan.w w gmail — Bogdan.wbow @ gmail.com.

Mr. Valentin Danet - Direct

1 Q. Pardon me?

2 A. Bogdan.wbow @ gmail.com.

3 Q. Where did the w-b-w come from?

4 A. From his license plate, a car at one time.

5 Q. What kind of car did he have?

6 A. It was a BMW.

7 Q. What other nicknames did Bogdan Nicolescu
8 have?

9 A. He was also calling himself Master Fraud or MF.

10 Q. MF?

11 A. Yeah.

12 Q. How do you know that Bogdan Nicolescu was Master
13 Fraud?

14 A. He told me when he first — when I started doing
15 this, he told me, and then I through the years we
16 exchanged a lot of communication.

17 Q. How do you know Bogdan Nicolescu is MF?

18 A. Again, he told me it was the short form for Master
19 Fraud. I guess instead of saying Master Fraud he
20 shortened it to MF.

21 Q. What other nicknames did Bogdan Nicolescu
22 have?

23 A. I am not sure at the moment.

24 Q. What — did Radu Miclaus have any nicknames?

25 A. Yes.

Mr. Valentin Danet - Direct

1 MR. O'SHEA: Objection.

2 THE COURT: Overruled.

3 BY MR. McDONOUGH:

4 Q. What nicknames did Radu Miclaus have?

5 A. So he had — I mean there are more as I recall them.
6 He had ferdy, f-e-r-d-y. This was like — this shouldn't
7 have been a secret nickname. The other name I know he
8 was —

9 Q. Let me stop you there.

10 A. Yes.

11 Q. How do you know that Radu Miclaus's nickname was
12 ferdy?

13 A. Nicolescu told me about this, and I talked to
14 him Radu Miclaus through the ferdy nickname lots of
15 time.

16 Q. What other nicknames did Radu Miclaus have?

17 A. He had raduspr at Yahoo com or Yahoo messenger,
18 raduspr on Yahoo messenger because it was his ID and this
19 was his — I mean like his official nickname.

20 Q. How did you know that Radu Miclaus had raduspr as a
21 nickname on Yahoo messenger.

22 A. Bogdan Nicolescu referred to him as raduspr.

23 Q. Did Radu Miclaus have any other nicknames?

24 A. Yes. In the fraud thing, he was going on by Minolta
25 or Minolta.

Mr. Valentin Danet - Direct

1 Q. How do you know Radu Miclaus had the nickname
2 Minolta?

3 A. It is Bogdan Nicolescu that was referring to him
4 as Minolta, and always I did talk to him through this
5 Minolta ID. And I knew it was him because I was also
6 talking live or through the ferdy ID, and well, it was
7 him.

8 Q. You were talking live through ferdy or Minolta with
9 who?

10 A. With Radu Miclaus.

11 Q. And when you talked to obe Bogdan Master Fraud MF,
12 who were you talking to?

13 A. Bogdan Nicolescu.

14 Q. How long have you known Bogdan Nicolescu?

15 A. I know him since 1996.

16 Q. Where?

17 A. When we were at same high school together from the
18 eighth to twelfth grade.

19 Q. Where were you born?

20 A. In Bucharest, Romania.

21 Q. How old are you?

22 A. I am 36 about to 37 now in April on 16th.

23 Q. Where did you grow up in Bucharest?

24 A. I grew up in Iancului neighborhood.

25 Q. Who is in your family?

Mr. Valentin Danet - Direct

1 A. My mother, my father, and my brother.

2 Q. What did your mother do?

3 A. She was retired now, mathematics university teacher.

4 Q. What type of mathematics did your mother teach at
5 the university?

6 A. Algebra and geometry.

7 Q. What did your father do?

8 A. My father did the same, mathematics, university,
9 professor, or teacher.

10 Q. Both of your parents were university mathematics
11 professors?

12 A. That's right.

13 Q. Same university?

14 A. Same university, different faculties.

15 Q. Besides your parents, who else is in your family?

16 A. My brother, Tiberiu.

17 Q. What kind of high school did you attend?

18 A. I attended — it was called back then the computer
19 high school, a computer science high school in Bucharest
20 called Traian Vuia —

21 Q. I'm sorry. I didn't understand that.

22 A. It had also the name of a poet, Tudor Vianu.

23 Q. That's the actual name of the high school. Let me
24 ask you: Was it a public high school or private high
25 school?

Mr. Valentin Danet - Direct

1 A. It was a public high school, the computer science
2 high school Tudor Vianu.

3 Q. What did you study at your computer science high
4 school?

5 A. Basically what you study in high school plus
6 computer science, which was not much study at other high
7 schools.

8 Q. What did you learn in computer science in high
9 school?

10 A. Actually, programming in Pascal and C plus plus, C
11 plus plus.

12 Q. What is C plus plus or Pascal?

13 A. Programming languages.

14 Q. How many students were in your high school?

15 A. There are a lot of them in my classroom. We were
16 38, 40 something like this, and there were nine grades
17 each year and so four years. In the other classrooms,
18 there were less than 40, but if you can make up a total,
19 it would be 30 times 9 times 4.

20 Q. A thousand kids in your high school?

21 A. Something like this.

22 Q. 250 a grade?

23 A. Yeah.

24 Q. What classes did you have with Bogdan Nicolescu in
25 high school?

Mr. Valentin Danet - Direct

1 A. All the classes that I had, that everybody had to
2 take the same class.

3 Q. Were you involved in any activities in your high
4 school?

5 A. What do you mean, what kind of activities?

6 Q. I apologize on that question.

7 Were you involved in any clubs,
8 extracurriculars, any activities relating to your
9 academics?

10 A. There weren't any clubs especially tailored at our
11 high school so just the classes, and that was basically
12 all you could take. Sports if you wanted more but
13 painful. That was it.

14 Q. Okay. How often would you see Bogdan Nicolescu in
15 high school?

16 A. Daily. If I were there in class and he was there in
17 class, then we would have met daily.

18 Q. Were you friends with him?

19 A. Yes, I was.

20 Q. Did you see him outside of school?

21 A. Yes, I did.

22 Q. Ever been to his house?

23 A. Yes, I was.

24 Q. How many times did you go to his house?

25 A. Couple of times, three to five times.

Mr. Valentin Danet - Direct

1 Q. Over when?

2 A. I don't remember exactly when but during high
3 school.

4 Q. Okay.

5 A. Most likely in the ninth or tenth grades of the
6 first two years.

7 Q. Did you socialize with him outside of school?

8 A. Yes, I did.

9 Q. What did you do with him?

10 A. Just hang out and discuss things.

11 Q. What did you discuss?

12 MR. GOLDBERG: Objection.

13 THE COURT: Overruled.

14 A. We discussed about programming, although about we
15 played at that time on — this was in the twelfth grade,
16 he was playing Snake on Nokia.

17 Q. What is Snake on Nokia?

18 A. A game like, an old game on the phone.

19 Q. A game on a phone?

20 A. Yeah.

21 Q. When you were in high school, was Romania still a
22 Communist country?

23 A. No, it was not. It — the country fell in 1999, so
24 it was not any more.

25 Q. Did that change anything for you?

Mr. Valentin Danet - Direct

1 A. Yes, I believe changed a lot of things, like you had
2 a lot of freedom, especially after the fall of the
3 Communist.

4 There wasn't much — I mean, the rate of the
5 low fell very much down, and you had a lot of freedom
6 that there weren't before.

7 Q. Did you get in trouble in high school?

8 A. Now, I did. Actually, the director of the high
9 school wrote me on back of the photo with the classroom
10 people, the classroom mates that I am — that I should be
11 more active. I am too retained.

12 Q. I'm sorry. You should be more active in high
13 school?

14 A. I don't know how to put it in English but not so
15 much shy actually.

16 Q. You were a shy guy in high school?

17 A. Yes. I am, too, now.

18 Q. Did you ever commit any criminal activities when you
19 were in high school?

20 A. Yes, I did. I didn't realize at that time it was
21 criminal. I mean, I realized it but was like half of my
22 classroom was committing it, committing this, like buying
23 stock from the United States and having it sent to
24 Romania with credit cards.

25 Q. How did you steal a credit card to buy American

Mr. Valentin Danet - Direct

1 goods shipped to Romania back in 1996?

2 A. 1996.

3 MR. GOLDBERG: Objection.

4 THE COURT: Sustained.

5 BY MR. McDONOUGH:

6 Q. How did you do it?

7 MR. GOLDBERG: Objection.

8 THE COURT: Sustained.

9 BY MR. McDONOUGH:

10 Q. What did you do after high school?

11 A. After high school, I didn't want to have anything to
12 do with this credit card thing, and although I wanted to
13 change, to shift from computer science to something else
14 because at that time I didn't like sitting in front of
15 the computer, and I wanted to shift, I went to the
16 Polytechnical University in Bucharest; had electrical
17 engineering faculty, and I started in foreign language in
18 German.

19 Q. Your classes at the Polytechnical University in
20 Bucharest were taught to you in what language?

21 A. In German.

22 Q. How did you learn German?

23 A. I learned privately. I also had classes in high
24 school, but I didn't learn anything there because of the
25 teacher, and I learned privately throughout the three

Mr. Valentin Danet - Direct

1 years in high school at the private facility where you
2 would learn German.

3 Q. Who paid for your private tutor?

4 A. My parents.

5 Q. Did you have a house or an apartment?

6 A. My parents had an apartment in a block of
7 apartments. They still having it now.

8 Q. How many bedrooms in your apartment?

9 A. The rooms are four, so it is like three bedrooms and
10 one living room.

11 Q. How old is your brother Tiberiu Danet?

12 A. He is three years younger than me so now 33.

13 Q. Did he go to your high school?

14 A. No. He went to another high school.

15 Q. Public or private?

16 A. To a private high school.

17 Q. What did he study?

18 A. Computer science as well.

19 Q. How well did you do in high school?

20 MR. GOLDBERG: Objection.

21 THE COURT: Sustained.

22 BY MR. McDONOUGH:

23 Q. Do you know what your class rank was in high
24 school?

25 A. I'm sorry?

Mr. Valentin Danet - Direct

1 Q. Do you know what your ranking was in high school?

2 MR. GOLDBERG: Objection.

3 THE COURT: Sustained.

4 BY MR. McDONOUGH:

5 Q. What did you study at this Polytechnical University
6 in Bucharest?

7 A. I studied electrical engineering. I studied
8 economics, so it was supposed to be like half technical,
9 electrical engineering, half economics and although with
10 a little bit of law classes.

11 Q. How long were you at the university?

12 A. Five years, 2000 to 2005.

13 Q. Did you graduate?

14 A. Yes, I did.

15 Q. What did you graduate with?

16 A. What was the Master. I got my Master paper in
17 economics, but the title is engineering.

18 Q. I couldn't hear that.

19 A. The title is electrical engineer.

20 Q. Did you end up with a Bachelor's Degree or Master's
21 Degree?

22 A. At that time, it was a Master Degree.

23 Q. Master Degree, was it economics or electrical
24 engineering?

25 A. It is in electrical engineering and economics.

Mr. Valentin Danet - Direct

1 Economics applied to electrical engineering.

2 Q. Where was your university located?

3 A. On a campus, the Polytechnical University campus.

4 Q. Which was what city?

5 A. Bucharest.

6 Q. When you were at university, did you have any
7 communications with Bogdan Nicolescu?

8 A. Yes, I did.

9 Q. What communications did you have?

10 A. We were friends, and we talked mostly about the cars
11 at that time, and I know he also went — for him, he also
12 went one year to that university but to a different
13 faculty.

14 Q. You said you talked about cars?

15 A. Yes.

16 Q. What kind of cars, what did you talk about?

17 A. At that time, I think it was about — it was about
18 the Romanian national car Dacia, and he owned a car and
19 liked talking about it.

20 Q. A Romanian national car called Dacia?

21 A. Yes.

22 Q. How do you spell Dacia?

23 A. D-a-c-i-a.

24 Q. Who makes the Dacia car?

25 A. At that time a Romanian company. Now, it is owned

Mr. Valentin Danet - Direct

1 by French Renault.

2 Q. Owned by —

3 A. Owned by the French company Renault.

4 Q. Did you have a car in college?

5 A. College like university?

6 Q. Yes.

7 A. Yes, I did. I did buy a Dacia at that time.

8 Q. You did or —

9 A. I did.

10 Q. When you were talking to Nicolescu in college about
11 the cars, where was Nicolescu?

12 A. We were talking face to face, in meetings like group
13 hangouts or else over the phone.

14 Q. Were you in the same grade or different grade with
15 Nicolescu in high school?

16 A. Same grade; same class.

17 Q. After high school, do you know where he went?

18 A. He told me he went —

19 MR. GOLDBERG: Objection.

20 THE COURT: Overruled. Do you know, sir?

21 THE WITNESS: Yes, I know.

22 He went to the Polytechnical University
23 in — it is called automatics, but it is about computer
24 science, in Romanian called automatics faculty.

25 Q. The Polytechnical University that you went to for

Mr. Valentin Danet - Direct

1 electrical engineering and economics, is that the same
2 Polytechnical University that Nicolescu went to for
3 computers?

4 A. Yes, but as far as I know —

5 MR. GOLDBERG: Objection.

6 THE COURT: Sustained.

7 THE WITNESS: Yes.

8 Q. How do you know?

9 A. What do you mean? How do I know what?

10 Q. How do you know where he went to university?

11 A. He told me this.

12 Q. Do you know where his university located?

13 A. Yes. I also had — my faculty didn't have an actual
14 location, and the classes were spread through the other
15 faculties?

16 So I also studied in the — I had classes
17 that were located in the automatics faculty so I know
18 where it was located.

19 Q. You had university professors teaching you, and you
20 went to different locations?

21 A. Yeah; didn't have a location of its own.

22 Q. Okay. When did you graduate from university?

23 A. In 2005.

24 Q. What did you do after you graduated?

25 A. I tried to find employment and went to a German

Mr. Valentin Danet - Direct

1 company, but I was — I was not — I was rejected and
2 wasn't hired at that company.

3 Q. What job had you applied for with the German
4 company?

5 A. It was a German company that was at that time
6 investing and coming to Romania and wanted to have
7 someone overlook buying and dealing with the car
8 fleet.

9 Q. I'm sorry. Car fleet?

10 A. Yeah. They were supposed to acquire.

11 Q. What did you do when you didn't get the job?

12 A. I realized I didn't get the job because I said at
13 the interview that I don't like bosses.

14 Q. During the interview, you said you didn't like
15 bosses?

16 A. Yeah. He asked me about three things I don't like
17 about me, and I was honest. And I said one of them is, I
18 said I don't like bosses. Most like this is why I was
19 not accepted.

20 Q. All right. What did you do after you were
21 honest?

22 A. Well, after this, couple months later I met with
23 Bogdan Nicolescu, and I asked him if he could introduce
24 me to the thing that he was doing.

25 Q. How did you connect with Bogdan Nicolescu at this

Mr. Valentin Danet - Direct

1 point?

2 A. Through — I had his phone number, and I calling him
3 by phone.

4 Q. Did you talk to him?

5 A. Yes.

6 Q. What did you talk to him about?

7 A. I was asking him more about what he was doing, and
8 actually at one time —

9 MR. GOLDBERG: Objection.

10 THE COURT: Sustained.

11 BY MR. McDONOUGH:

12 Q. How did you know what he was doing?

13 A. He was telling me but not much throughout the years
14 because in the university years, I was not — like I was
15 not meeting him everyday like in high school.

16 So the connection was not very good, but I
17 knew that he was doing fraud credit card.

18 MR. GOLDBERG: Objection.

19 THE COURT: Sustained.

20 BY MR. McDONOUGH:

21 Q. Do you know where Bogdan Nicolescu grew up in
22 Bucharest?

23 A. I know where he was living while he was in high
24 school. I don't know where he grew up.

25 Q. Okay. You know where he lived in high school?

Mr. Valentin Danet - Direct

1 A. Yes.

2 Q. Do you know what his parents did?

3 MR. GOLDBERG: Objection.

4 THE COURT: Sustained.

5 BY MR. McDONOUGH:

6 Q. Did you ever talk to Bogdan Nicolescu about what his
7 parents did?

8 A. Yes. He told me —

9 THE COURT: Hold one moment. The answer yes
10 will stand only.

11 MR. McDONOUGH: Okay.

12 BY MR. McDONOUGH:

13 Q. How do you know what Bogdan Nicolescu's parents did
14 for employment?

15 MR. GOLDBERG: Objection.

16 THE COURT: Sustained.

17 BY MR. McDONOUGH:

18 Q. When you were talking to Nicolescu after your failed
19 job interview —

20 A. Yes.

21 Q. — did you observe anything different about him?

22 MR. GOLDBERG: Objection.

23 THE COURT: One moment, sir. Did you
24 observe?

25 MR. McDONOUGH: Yes.

Mr. Valentin Danet - Direct

1 Q. Did you see anything different about him?

2 THE COURT: Sustained.

3 MR. McDONOUGH: Okay.

4 BY MR. McDONOUGH:

5 Q. You said you were talking to Bogdan Nicolescu after
6 your failed job interview.

7 A. Yes. He —

8 MR. GOLDBERG: Objection.

9 THE COURT: Hang on. Let him ask a
10 question.

11 THE WITNESS: Okay.

12 BY MR. McDONOUGH:

13 Q. What conversations did you have with him?

14 A. At one time, he asked me if I —

15 MR. GOLDBERG: Objection.

16 THE COURT: Sustained to the "at one time."

17 MR. McDONOUGH: Okay.

18 BY MR. McDONOUGH:

19 Q. In 2006, did you have a conversation with Bogdan
20 Nicolescu about computers?

21 MR. GOLDBERG: Objection.

22 A. Yes.

23 THE COURT: Overruled.

24 BY MR. McDONOUGH:

25 Q. What was the conversation you had with Bogdan

Mr. Valentin Danet - Direct

1 Nicolescu about computers in 2006?

2 MR. GOLDBERG: Objection.

3 THE COURT: Overruled.

4 A. In 2006, so I started talking to him like 2005 about
5 the computers, November-December, and going into 2006.

6 He asked me if I — first, he asked me if I knew a girl
7 that could pick up and speak at the phone with people in
8 the United States that were supposed to buy stuff.

9 Q. You had a conversation with him in late 2005 into
10 2006?

11 A. Yes, I did.

12 Q. He asked you if you knew a girl who spoke
13 what?

14 A. Who spoke good English, and it was supposed to be a
15 girl and not a man or woman.

16 Q. Did you ask him why?

17 A. He told me why.

18 MR. GOLDBERG: Objection.

19 THE COURT: Overruled.

20 Q. For what purpose?

21 A. He needed someone to answer the phone or to call
22 some people that were — for chasing fake items.

23 Q. Where were the people purchasing fake items?

24 A. In the United States.

25 Q. How?

Mr. Valentin Danet - Direct

1 A. He was —

2 MR. O'SHEA: Objection.

3 A. There was a list.

4 THE COURT: One moment. Sustained. Be more
5 specific.

6 BY MR. McDONOUGH:

7 Q. Where were the people in the U.S. purchasing fake
8 items?

9 A. In the United States.

10 Q. What kinds of items?

11 A. At that time, it was items under \$3,000 like
12 bicycles or trikes.

13 Q. Items under \$3,000 like bicycles or —

14 A. Or trikes.

15 Q. What's a trike?

16 A. Bicycle with one wheel in the front and two in the
17 back.

18 Q. Where were these bicycle or trikes for under \$3,000
19 being sold?

20 A. They were sold on —

21 MR. GOLDBERG: Objection.

22 THE COURT: One moment. Sustained.

23 BY MR. McDONOUGH:

24 Q. Who was selling the bicycle and tricycles?

25 MR. GOLDBERG: Objection.

Mr. Valentin Danet - Direct

1 THE COURT: Sustained. Please be a little
2 more specific.

3 MR. McDONOUGH: Will do, your Honor. Will
4 do.

5 BY MR. McDONOUGH:

6 Q. Where were the bicycles and trikes —

7 A. Yes.

8 Q. — that Nicolescu described to you, where were those
9 being sold?

10 MR. GOLDBERG: Objection.

11 THE COURT: Overruled.

12 A. They were being sold on eBay at that time.

13 MR. GOLDBERG: Objection.

14 THE COURT: Overruled.

15 BY MR. McDONOUGH:

16 Q. How were the bicycles and trikes being told on
17 eBay?

18 A. They were listed on eBay and taken real photos of
19 real auctions with the same item and then put — they are
20 put on a new listing with prize like half or three times
21 less or more than three times less than what should be on
22 there under \$3,000.

23 Q. Who listed the bikes and trikes on the eBay auction
24 sites?

25 MR. GOLDBERG: Objection.

Mr. Valentin Danet - Direct

1 THE COURT: Overruled.

2 A. Bogdan Nicolescu listed it, and I wanted to list
3 them as well. So he showed me how I should do it.

4 Q. How did Bogdan Nicolescu show you how to post the
5 bicycles and trikes on the fake eBay?

6 A. At first, he set up my computer for doing this, and
7 then we were talking online.

8 Q. What kind of computer did you have?

9 A. A desktop computer at that time.

10 Q. Where were you living at that time?

11 A. And I also had purchased shortly after especially
12 for this, for doing this laptop computer.

13 Q. Okay. Where was Nicolescu when he was showing you
14 how to do the bikes and trikes on the eBay?

15 A. It was with me, and although he was showing me
16 through the writing on messenger.

17 Q. Okay. And where were you living at this time?

18 A. I was living with my parents.

19 Q. Where was your brother?

20 A. Living with my parents as well.

21 Q. Where was Nicolescu living?

22 A. He was living in Bucharest.

23 Q. How did you communicate with Nicolescu?

24 A. Through phone conversations and for the purpose of
25 this eBay listing thing through messenger.

Mr. Valentin Danet - Direct

1 Q. What is messenger?

2 A. It is a message relaying program that you use on the
3 internet.

4 Q. Could you use the messenger program on your desktop
5 computer?

6 A. Yes. On every computer, you could use it. I used
7 it on the desktop and on the laptop.

8 Q. Could you use it on a phone?

9 A. At that time, no. The phones weren't — it was not
10 Android at that time.

11 Q. There wasn't Android?

12 A. There was not, yeah.

13 Q. Okay. You posted listings?

14 A. Yes, I did.

15 Q. How did you get the money?

16 A. Nicolescu was giving me the money. He told me about
17 how he acquired it.

18 Q. How he acquired what?

19 A. The money.

20 Q. How did Nicolescu acquire the money?

21 A. He knew from a friend of his. At that time, I
22 didn't know his nickname. He had the nickname Morfizu.

23 Q. Morfizu?

24 A. That's right, M-o-r-f-i-z-u.

25 Q. Do you know Morfizu's real name?

Mr. Valentin Danet - Direct

1 A. Yes. I had found it out later.

2 Q. What is Morfizu's real name?

3 A. It is Bogdan Antonovici, B-o-g-d-a n.

4 Q. How did you know him?

5 A. Through — he hanged out with Nicolescu, and I met
6 him — I saw him first when going to the seaside with
7 Nicolescu at one time, and he was driving BMW.

8 Q. Who was driving a BMW?

9 A. Nicolescu — at that time Antonovici and
10 Nicolescu were also driving BMW, but one was his
11 father's car.

12 Q. I'm sorry. Bogdan Antonovici was driving the
13 BMW?

14 A. Yes. He had one and was driving it and Nicolescu.

15 Q. You mentioned something about somebody's father.

16 A. Nicolescu was driving a car of his father's.

17 Q. Okay. So Nicolescu's father's car, was that a BMW?

18 A. No, it was not.

19 Q. Where did the money from the United States travel to
20 get to Morfizu?

21 MR. GOLDBERG: Objection.

22 THE COURT: Overruled. Do you know, sir?

23 THE WITNESS: Yes, I know.

24 THE COURT: You may answer.

25 THE WITNESS: Antonovici had people working

Mr. Valentin Danet - Direct

1 with him with fake IDs that were cashing the money
2 from Western Union locations in Romania, other
3 countries surrounding Romania and like also in Western
4 Europe.

5 MR. McDONOUGH: Your Honor, may we have the
6 Government laptop back table, please? Ms. Chandler, may
7 we have Government's Exhibit 1845?

8 BY MR. McDONOUGH:

9 Q. Showing you what has been marked for identification
10 purposes as Government's Exhibit 1845, do you recognize
11 this map?

12 A. Yes, I do. It is the map of Romania.

13 Q. You mentioned the money sent to Western Union was in
14 some countries around —

15 A. Yes.

16 Q. — Romania?

17 A. Yes. Bulgaria, Greece, Hungary.

18 Q. Okay. Bulgaria is where?

19 A. South of Romania.

20 Q. Hungary is where?

21 A. West of Romania.

22 Q. And what other country?

23 A. Greece, and that's south of Bulgaria.

24 Q. Okay. All right.

25 How did the Western Union money from

Mr. Valentin Danet - Direct

1 Hungary, Bulgaria, and Greece get to Romania?

2 MR. GOLDBERG: Objection.

3 A. The people working for Antonovici gave the money to
4 him and from there went on to Nicolescu, and Nicolescu
5 gave the part that we — the share that he set up for me,
6 he gave it to me.

7 Q. What was your share?

8 A. First was 60 percent and then went up to 66 or 67
9 percent.

10 Q. Sixty to 66 or 67 percent of what?

11 A. Of the money that the United States people that were
12 purchasing the fake items were sending.

13 Q. How were you paid?

14 A. Cash in hand.

15 Q. What is the cash in hand in Romania called?

16 A. The Romania currency you mean?

17 Q. Yes, I apologize. What's the Romanian currency?

18 A. It is called Romanian ron, r-o-n, the symbol but at
19 that time, I was paid although in foreign currency.

20 Q. Okay. The Romanian currency you mentioned, is it
21 lei or ron? What did you say?

22 A. It is called lei but the symbol like you call dollar
23 and the USD.

24 Q. Okay.

25 A. It is called lei and r-o-n.

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1 Q. Lei is —

2 A. R-o-n.

3 Q. R-o-n.

4 A. It is Romanian new leu.

5 Q. Were you paid in Romanian currency?

6 A. Sometimes in Romanian currency, sometimes in U.S.
7 dollars, sometimes in Euro.

8 Q. Where did Nicolescu pay you the cash in hand?

9 MR. GOLDBERG: Objection.

10 A. At first in his car.

11 THE COURT: Overruled.

12 Q. Yes.

13 A. At first, he was driving to near my apartment, and I
14 went down to his car and in his car.

15 Q. Okay. How often would Nicolescu pay you in cash in
16 hand?

17 A. It depends. It was not something fixed. So as
18 often as he got the money from Antonovici and later on
19 from other guys involved in this.

20 Q. Do you know what the share was of other people in
21 the group?

22 MR. GOLDBERG: Objection.

23 THE COURT: Overruled. Answer that yes or
24 no only.

25 THE WITNESS: Yes.

Mr. Valentin Danet - Direct

1 BY MR. McDONOUGH:

2 Q. How do you know?

3 A. Nicolescu told me.

4 Q. What did Nicolescu tell you about the shares of
5 other people in the group?

6 A. He told me about his share. He also had a bit of
7 person each from my share, although he had a little bit
8 more than 60 percent at first, and then the rest amount
9 — it went on to the guys that would pickup the money so
10 Antonovich in his network.

11 Q. You said your share started at 60 percent?

12 A. Yes.

13 Q. What did Nicolescu's share start out as?

14 A. Between 65 and 70 percent as far as like I know that
15 he told me so.

16 Q. So for a \$3,000 item, how much of that did you
17 get?

18 A. 60 percent of the \$3,000, like —

19 Q. \$1,800?

20 A. \$1,800.

21 Q. Who got the other \$1,200?

22 A. This I can't say for sure.

23 Q. Okay. During this time, were you working any
24 legitimate employment or legal employment?

25 A. In 2006, no. I started working later on. My

Mr. Valentin Danet - Direct

1 brother set up a company for programming services, and I
2 worked three, four years with this company.

3 Q. What company did your brother Tiberiu Danet
4 start?

5 A. It was called Develop IT.

6 Q. What did Develop IT do?

7 A. It did programming services.

8 Q. What kind of computer programming services did you
9 provide for your brother's company?

10 A. I didn't provide much. He was doing most of the
11 stuff, but he listed me also there as a participant in
12 the company.

13 Q. Where did your brother go to school after high
14 school?

15 MR. GOLDBERG: Objection.

16 THE COURT: Sustained.

17 BY MR. McDONOUGH:

18 Q. Do you know how your brother learned computer
19 programming?

20 A. Yes.

21 Q. How do you know?

22 A. I was living with him in the same house. So from
23 him.

24 Q. Did you have a computer at your house growing
25 up?

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1 A. Excuse me. I didn't get it.

2 Q. Did you have a computer at your house when you were
3 growing up?

4 A. Yes. By my father purchased one, and actually, it
5 is a story that my father had saved \$5,000. It was like
6 when you bought a car in Communist Romania, you had to
7 wait seven years and get the money, and you were in a
8 queue.

9 And you had to wait for the car, and when
10 Communism fell off, he was left with that money, and that
11 money, the inflation was rising steadily, and with the
12 money he had saved for the car, he purchased the
13 computer? And that's how I got it and my brother as well
14 to be near computers.

15 At that time he paid —

16 Q. Your father placed an order for a car that
17 would take seven years in Communist Romania to get
18 delivered?

19 A. Yes. That was at that time —

20 Q. And took that money —

21 A. After Communism fell, you couldn't take the car any
22 more and used the money — I remember it was like \$5,000,
23 I mean almost \$5,000 and used it to buy a computer from a
24 company called Gateway 2000 at that time.

25 Q. Did you use that Gateway computer at home?

Mr. Valentin Danet - Direct

1 A. Yes, I did.

2 Q. What did you use it for?

3 A. To play and to learn computer programming.

4 Q. Yes or no, did your brother use it?

5 A. Yes, he used it.

6 Q. Yes or no, did you see him on it?

7 A. Yes.

8 Q. What did you see him do?

9 A. Play and also writing programming code.

10 Q. How old was your brother when he was writing
11 programming code?

12 A. It is — he started before high school. I have to
13 think about it. He is three years younger than me. I
14 started high school in 1996. He started in 1999, so
15 about 1997 he was already writing, and when he got into
16 high school, he was trained by people that were going to
17 Olympiad.

18 Q. What's an Olympiad?

19 A. It is a contest, national contest, international
20 contest in computer — in anything, but he went to
21 computer science contest.

22 Q. Did you compete in Olympiad?

23 A. I did in high school, but I was not so good. I
24 didn't get to national level.

25 Q. Who got to the national level?

Mr. Valentin Danet - Direct

1 A. Nicolescu did one time, and my brother did several
2 times.

3 Q. Was your brother employed before the startup
4 company?

5 A. Yes, he was. He went to —

6 Q. What did he do?

7 A. He went to Google for an internship in the
8 United States.

9 Q. Do you know how he got the internship at Google in
10 the United States?

11 A. He applied for it, and he got it from Google, and
12 when he came back, he got hired part-time in a company.
13 He was working four hours of the day and get paid — was
14 paid almost \$400 a month.

15 Q. You said after Google internship he got hired for a
16 company where?

17 A. In Bucharest, Romania.

18 Q. And he worked how many hours a day?

19 A. Four hours a day.

20 Q. And made how much?

21 A. \$400 a month.

22 Q. How much did you make for your brother's startup
23 company?

24 A. I didn't make much from the company because I was
25 already —

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1 MR. GOLDBERG: Objection.

2 THE COURT: Overruled.

3 BY MR. McDONOUGH:

4 Q. How long did you work for your brother's
5 company?

6 A. For several years. But in that time —

7 MR. GOLDBERG: Objection.

8 THE COURT: Sustained.

9 BY MR. McDONOUGH:

10 Q. Let me ask you this: How much money did you earn
11 working for your brother's company?

12 A. Not much, very little.

13 MR. GOLDBERG: Objection.

14 THE COURT: Overruled. I will let that
15 stand.

16 BY MR. McDONOUGH:

17 Q. What did you do to support yourself?

18 A. I was doing eBay fraud.

19 Q. How long were you committing eBay fraud?

20 A. From like 2005, November-December until 2014 and
21 then continued from 2013 and 2014 to 2016 I went in the
22 other scheme, which was not any more related to eBay
23 until the arrests were made.

24 Q. All right. I am going to ask you — I am going to
25 ask you some questions about the first scheme, 2005 to

Mr. Valentin Danet - Direct

1 2013 for eBay. Okay?

2 A. Yes.

3 Q. How did you commit eBay fraud starting in
4 2005?

5 A. In 2005, Bogdan Nicolescu set up my computer, my
6 laptop computer for this thing. He installed Linux and
7 the VM ware application.

8 Q. Let me stop you right there.

9 Where did Nicolescu set up your computer?

10 A. At my home, my parents' home.

11 Q. How did he set up your computer?

12 A. By bringing his own computer and other from his
13 memory, I mean, setting things up and checking up
14 with his computer how it should look like the files
15 there.

16 Q. You mentioned Linux?

17 A. Yes.

18 Q. What is Linux?

19 A. It is an operating system free of charge.

20 Q. Who installed the Linux on your computer?

21 A. At first, it was Nicolescu, and then I learned to
22 install it myself.

23 Q. You mentioned VM ware.

24 A. Yes.

25 Q. What is VM ware?

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1 A. It is a program, an application that allows you to
2 run a branding system in another operating system.

3 Q. How long did it take Nicolescu to set up your
4 computer with the Linux and the VM ware?

5 A. I remember the first time we did it we went through
6 the night until the second day, so it was from the
7 evening until the next day at noon.

8 Q. Where did this take place?

9 A. In my parents' home, in my home where I was
10 living.

11 Q. Okay. What happened after Nicolescu set up your
12 computer with the Linux and the VM ware?

13 A. I started using it and going through the process of
14 getting people to pay for eBay auctions.

15 Q. How were the eBay auctions set up?

16 A. We needed to set up an account or lots of accounts
17 on eBay, and then I copied a real listing?

18 And it needed to be a shinny item with good
19 pictures in good light so it can attract customers and
20 have the price put in like quarter of the real price or
21 one third of the price.

22 Q. What items were you listing?

23 A. At first items —

24 MR. GOLDBERG: Objection.

25 A. — we were listing —

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1 THE COURT: Did you say objection?

2 MR. GOLDBERG: Yes.

3 THE COURT: Overruled.

4 THE WITNESS: At first bikes and trikes and
5 then cars.

6 BY MR. McDONOUGH:

7 Q. How did you list cars on eBay?

8 A. The same that I was telling, just that the cars had
9 the higher price, like I would have two cars that cost
10 like between \$20, \$30,000 and list them for \$9,000, then
11 something, \$8,800, \$9,000, \$9,100, under \$10,000.

12 Q. Where did you get pictures of these cars?

13 A. From real eBay listings.

14 Q. How did you get the pictures of these cars from real
15 eBay listings?

16 A. Copied them. At first copied them by hand, and then
17 one of the guys working in this had made an automatic
18 program that would automatically download cars listed on
19 eBay. You could choose from there easier?

20 But I was doing this automatic thing like
21 10 percent of the whole time mostly manually, copying and
22 then pasting in the auction.

23 Q. You said at the beginning you would copy and
24 paste?

25 A. Yes.

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1 Q. Later on did it change to be automated or
2 automatic?

3 A. Yes.

4 Q. How did it change from manual to automatic?

5 A. Someone created the automatic tool to do this.

6 Q. What was Nicolescu's role in this?

7 MR. GOLDBERG: Objection.

8 THE COURT: Overruled.

9 A. Nicolescu knew almost everybody in this, and at one
10 time, he decided to create a virus that would —

11 MR. GOLDBERG: Objection.

12 THE COURT: Overruled.

13 A. That would automate — not automate — that would
14 allow us to control the devices of the people that were
15 infected and to present them like with a page. After
16 they purchased, they were getting infected, and they were
17 clicking on a button to purchase on eBay the car that
18 they want to purchase, to show it like in their eBay
19 account like it was the real thing, I mean, that this
20 really happened.

21 Q. Who created the virus?

22 A. Bogdan Nicolescu.

23 Q. How do you know?

24 A. He told me. We were hanging out, and he was telling
25 me we needed to create something like this, so because

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1 people would fall off easier than just when they see to
2 purchase a car, if they check on the eBay under my eBay
3 and realize it is not there, they would realize it is
4 something fake and would not send the money any more, so
5 we needed to take care of this.

6 Q. And what was the name of the virus that Nicolescu
7 used to trick people?

8 MR. GOLDBERG: Objection.

9 THE COURT: Sustained.

10 Q. What was the name of the virus?

11 A. It was called Bayrob, and Nicolescu referred to it
12 as MyeBay.

13 Q. What is MyeBay?

14 A. So it was this virus that was meant to have on the
15 infected computer when the person was clicking on the —
16 logging into his eBay account and clicking in at MyeBay
17 it should show the fake car that was purchased.

18 Q. Do you know how Nicolescu's MyeBay virus infected
19 other computers?

20 A. Yes, because I did this myself using that
21 virus.

22 Q. How did the Nicolescu's MyeBay virus infect
23 computers?

24 A. It is a little bit longer, so at first, you would
25 need to with the fake car posting, you would collect

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1 the —

2 Q. Let me stop you there.

3 Let's walk through the steps of the fake car
4 posting. Okay?

5 A. Okay.

6 Q. What was the first step to post a fake car on
7 eBay?

8 A. Set up an eBay account, paste the — put up the fake
9 auction. If the auction was holding and eBay was not
10 shutting it down, at first, you would put just the price,
11 let's say, for a car like \$8,800 or \$9 — like \$8,900 or
12 \$9,000.

13 Q. Stop. Why did you put the price at a certain
14 amount?

15 A. We believed it should be under \$10,000, but then,
16 also, we put prices like \$12,000, \$13,000, \$16,000, but
17 it was the idea that the banks would not close the
18 transactions if it were under \$10,000.

19 Q. After you set the price for the car, what was the
20 next step on eBay?

21 A. So you could also make when eBay closed this — at
22 one time, they closed down this account really quickly,
23 and you have to hide the fake price, so I listed it — we
24 listed it for like the real price, \$20, \$30,000 and put a
25 Gif image inside the auction that was showing up.

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1 Q. I am going to stop you there.

2 You say eBay would sometimes shut down the
3 auction?

4 A. Yeah.

5 Q. How?

6 A. They realized —

7 MR. O'SHEA: Objection.

8 THE COURT: One moment, sustained.

9 MR. McDONOUGH: Yes, your Honor.

10 BY MR. McDONOUGH:

11 Q. What steps did you take?

12 A. In what?

13 Q. What steps did you take to post fake cars on eBay to
14 avoid detection?

15 A. So I came — actually, Nicolescu came up and I —

16 MR. GOLDBERG: Objection.

17 THE COURT: Overruled.

18 A. — and I tried to make it better with Gif image,
19 that he — I made a Gif image, made it look better, and
20 he did — he ran the Gif image, would connect to a server
21 that would make the image not getting showed that we were
22 thinking were eBays or belonging to antivirus companies
23 or belonging to like we call them vigilantes, like people
24 reporting the fake auctions to eBay?

25 And you could see they had the same idea, so

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1 we would not show the image containing the \$8,000, \$9,000
2 price to them.

3 Q. A Gif image is what?

4 A. It is an image that could also be animated and can
5 change like a short movie.

6 Q. Okay.

7 A. But with — like ten pictures shown in a row.

8 Q. When you posted a listing for the car, did you have
9 a car to sell?

10 A. No.

11 Q. How long was an auction for one of these cars on
12 eBay that you posted?

13 A. Depends how long they would shut it down. If they
14 would not shut it down, it could take up to one week or
15 how long you would set it up.

16 If not, it would be shut down in a minute,
17 one day, two days, three days.

18 Q. How did you know who was interested in the auction
19 to purchase the car?

20 A. Because of a small price and nice looking pictures,
21 people were sending questions through eBay. At first,
22 eBay allowed you to see their e-mail, and then after
23 sometime, they didn't allow to see their —

24 Q. Stop here. Why was it important for you to know the
25 e-mail address of perspective buyers of the cars?

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1 MR. GOLDBERG: Objection.

2 THE COURT: Sustained.

3 BY MR. McDONOUGH:

4 Q. Why did you want to — withdraw that.

5 What information did you want from the eBay
6 fake auction listing?

7 MR. GOLDBERG: Objection.

8 THE COURT: Overruled.

9 THE WITNESS: The e-mail addresses of the
10 people that were interested. That's the only information
11 we needed.

12 BY MR. McDONOUGH:

13 Q. Why did you need the e-mail addresses of perspective
14 buyers?

15 A. So we could send them the offer. At first, before
16 creating the virus, you would send them an offer so we
17 would write the story made up.

18 Like in the end, if they want the car, they
19 should pay the amount of money, and after it was created,
20 we would write an e-mail containing also the virus
21 attached or later on a link where they could download it
22 there, so their computer would be infected.

23 And if they decided to buy the car, so we
24 could look like on their computer that they really bought
25 that car.

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1 THE COURT: I am going to interrupt at this
2 point, Mr. McDonough. We are going to take our recess at
3 this point.

4 All rise for the jury. Fifteen minutes,
5 folks.

6 (Recess had.)

7 THE COURT: Please be seated. You may
8 continue.

9 MR. McDONOUGH: Thank you, your Honor.

10 BY MR. McDONOUGH:

11 Q. When we left off, you mentioned an e-mail sent to
12 prospective buyers about a second chance?

13 A. Uh, yes.

14 Q. What was the second chance?

15 A. The second chance, actually, there were two separate
16 e-mails. When the victim was not infected with the
17 virus, we would send them a second chance e-mail.

18 It was like direct contract where it was
19 written that he needed to send the money and to a
20 specific bank account, and this would cover the payment
21 for the vehicle that was sold, and the vehicle would be
22 delivered to him, just make it look like authentic
23 contract.

24 Q. Okay. What was the second e-mail sent to the
25 prospective buyer?

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1 A. You mean the second chance?

2 Q. Yes.

3 A. This is how we did it at first before having the
4 virus: Would send directly after exchanging some e-mails
5 and determining that the buyer really wanted to purchase
6 the car, send directly a second chance offer, looking as
7 a real contract where it was instructed that they should
8 mail the wire to the mule's account, and that would
9 guarantee the car would be delivered to them.

10 Q. Where was the mule's account that the e-mail
11 referred to to send the money?

12 A. Both the e-mail, the mule's account all in the
13 United States.

14 Q. Now, you mentioned it changed over time?

15 A. Yeah, before the virus —

16 MR. GOLDBERG: Objection.

17 THE COURT: Overruled.

18 THE WITNESS: Before the virus, you would
19 send only the second chance offer.

20 Q. Okay.

21 A. Which we took the template from Antonovici, and
22 after the virus, you would instruct the buyer that also
23 his eBay page, he had their — like it was like you
24 bought the vehicle, instructed to send the money to
25 specific account that we included for this operation, to

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1 retrieve the money from the person that was buying the
2 car and send them in smaller payments through Western
3 Union and very seldom moneygram to the network of
4 Antonovici and later on some other people.

5 Q. Okay. You mentioned Antonovici and a template?

6 A. Yes.

7 Q. What is a template?

8 A. Like this contract that said — it was made to look
9 like in official language, like an older style English
10 language that is used in authentic contracts.

11 Q. What was that contract for?

12 A. To make it look like the sale is real, and that by
13 sending the money, the vehicle would be delivered, and
14 that's granted.

15 Q. And who was that contract sent to?

16 A. To the — before the virus, to all the people that
17 wanted to purchase the vehicle and had to send the money,
18 and after the virus, to the people who were infected with
19 the virus.

20 Q. I am going to ask you here, so before the virus,
21 how did the money go from the prospective buyer to
22 purchase?

23 A. It was the same thing before the virus and after the
24 virus. It was just the way that victim was led to
25 believe that that was true, and the way it was that he

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1 needed to wire the money from his bank account to the
2 mule's bank account held in the United States.

3 Q. You mentioned recruiting.

4 A. Yes.

5 Q. Recruiting who?

6 A. Recruiting so-called mule.

7 Q. Who recruited mules?

8 A. Nicolescu, myself, and my brother.

9 Q. All right. How —

10 MR. GOLDBERG: Objection.

11 THE COURT: Sustained.

12 BY MR. McDONOUGH:

13 Q. How did your brother Tiberiu Danet get
14 involved?

15 A. Unfortunately, I got him into this whole
16 scheme.

17 Q. How did you get your brother Tiberiu Danet into this
18 scheme?

19 A. We were both sharing the same room, and he was
20 working on his part-time job, and I was working on the
21 frauding in 2006. And Nicolescu wanted someone that
22 would be capable of programming.

23 Q. Programming what?

24 A. At the first time, it was a fake Wal-Mart site.

25 Q. What's a fake Wal-Mart site?

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1 A. It was used for getting credit cards just from one
2 source to make people believe they were purchasing
3 basically cameras on Wal-Mart, and they introduced their
4 credit cards.

5 And then, we could use their credit card for
6 different purchases on the internet.

7 Q. Who stole the credit card numbers from the fake
8 Wal-Mart site?

9 MR. GOLDBERG: Objection.

10 THE COURT: Sustained.

11 BY MR. McDONOUGH:

12 Q. How did you get the credit cards from the Wal-Mart
13 page?

14 MR. GOLDBERG: Objection.

15 THE COURT: Overruled.

16 A. The people that bought the specific items listed
17 there input his or her credit card. It went on to a
18 server that — a domain that he bought it, and from
19 there, we would have it. This was one way of getting the
20 credit cards.

21 Q. I am going to stop you there.

22 Besides getting the credit card number, what
23 other information did you get from the buyer who clicked
24 on the fake Wal-Mart page?

25 A. All the relevant information needed to make a

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1 purchase, so the name, the address, the telephone number,
2 but telephone number was not mandatory. You could make
3 any telephone number up.

4 Q. Where did the credit card number and all that
5 relevant information go to?

6 A. At first, it went to some domains that we purchased,
7 especially some domains.

8 Q. Domains?

9 A. Yes.

10 Q. What is a domain?

11 A. The server — the domain names that were — a server
12 basically, a server that you could buy on the internet,
13 and at first, it was just for website listings, and in
14 the later years, you could purchase — you could talk
15 private to servers, VPSs, or actually computers in later
16 servers.

17 Q. How do you purchase a domain?

18 A. With a credit card.

19 Q. Who sells the domain?

20 A. Yahoo sells domain; AOL sold domain.

21 Q. What is the name of a domain?

22 A. For Wal-Mart, we made stuff up that would resemble
23 the Wal-Mart's name like Wal minus Mart or Wal-Mart with
24 N instead of M or with L instead of the T at the end.

25 Q. Why did you misspell Wal-Mart for the name of the

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1 domain?

2 A. So it would look like the people entering the credit
3 card and purchasing fake camera, not fake camera, that
4 were not being delivered to make it look authentic like
5 it was the real Wal-Mart.

6 Q. What else did the fake Wal-Mart page look like?

7 Let me withdraw that. Bad question.

8 Apologize.

9 Describe what the fake Wal-Mart page looked
10 like?

11 A. It was just a page that showed five to ten objects
12 that were like flash deals that you could acquire at that
13 moment, like a discount, again, like 30 percent of the
14 real price or even lower.

15 And then, the victim would click on the
16 camera, and then it has to click on buy and then enter
17 the credit card information and say the camera would be
18 delivered.

19 Q. You mentioned all that credit card and relevant info
20 that went to — you said VPS or no?

21 A. At first, no, just on Yahoo domain bought for Yahoo
22 web hosting.

23 Q. So that's the fake Wal-Mart site with the Yahoo
24 site, the domain?

25 A. Yeah, this was back in 2006.

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1 Q. Did that change over time?

2 A. With regards to what?

3 Q. With regard to getting the credit card info?

4 A. At that time as well, when this matter was not
5 available because Yahoo would put down the website when
6 we needed credit card and they were not available,
7 Nicolescu would purchase it from various other sources in
8 Romania, from Antonovici, and also from other people. I
9 don't know them.

10 Q. All right. Let me ask you this:

11 For the fake Wal-Mart page that's a domain,
12 that was purchased using a credit card?

13 A. Yeah, a lot of domains. Not one, like several, ten.

14 Q. Lots of domains?

15 A. Yes.

16 Q. Were the credit cards stolen?

17 A. Yes, because the objects were not delivered.

18 Q. To purchase domain, these websites, what
19 information was required by you, Yahoo, or whoever the
20 host was?

21 A. Just the credit card info like name, credit card,
22 expiring date, and control number, address, telephone,
23 and starting in 2014 or 2013, we also used the VFS,
24 virtual private servers that you could acquire with
25 credit card but later in 2015 with bitcoins,

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1 cryptocurrency.

2 Q. So that 2014 to that 2016 portion, where was the
3 virtual private server located?

4 MR. GOLDBERG: Objection.

5 THE COURT: Overruled. Do you know, sir?

6 THE WITNESS: I know the name of one
7 company.

8 BY MR. McDONOUGH:

9 Q. What was the name of the one company?

10 A. Dacentec, D-a-c-e-n-t-e-c.

11 Q. Dacentec?

12 A. Yes.

13 Q. Dacentec hosted a virtual private server at one
14 point?

15 A. Yes.

16 Q. How do you know that?

17 A. Because I was involved in it.

18 Q. Going back to the eBay auction fraud, you mentioned
19 that you had brought your brother into this?

20 A. Yes.

21 Q. Was your brother employed at the time?

22 A. Yes.

23 Q. Do you know how much he was making?

24 A. Yes.

25 Q. How much money were you making at that time?

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1 A. At that time selling of a bike of \$3,000, I was
2 making \$1,800.

3 Q. \$1,800 for one listing?

4 A. Yes.

5 Q. How much a month, how many listings at the time you
6 brought your brother into this?

7 A. Not many, around three or four.

8 Q. Three or four listings a month?

9 A. Yes, or five.

10 Q. Up to five listings a month?

11 A. Yes.

12 Q. \$9,000 a month?

13 A. Yes.

14 Q. Okay. Yes or no. Was that more than what your
15 brother was making?

16 A. Yes, a lot more.

17 Q. Did your brother have nicknames?

18 A. Yes.

19 Q. What were your brother's nicknames?

20 A. He had on the Jabber server that he was hosting, he
21 had Romeo; also on the fraud part, he used amightysa
22 shortened to Amy, a-m-y.

23 Q. Any other nicknames?

24 A. None that I recall. His address —

25 Q. What was your brother's e-mail address?

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1 A. Tiberiu Danet @ gmail.com like his name.

2 THE COURT: Can I ask you to speak up
3 a little louder, please?

4 THE WITNESS: Okay.

5 THE COURT: I'm struggling a little bit.

6 THE WITNESS: Tiberiu Danet at gmail.com.

7 BY MR. McDONOUGH:

8 Q. Did he have any nickname e-mail addresses?

9 A. He had the nickname e-mail when he was using the
10 Jabber like Romeo and also — I don't recall at this
11 moment.

12 Q. Okay. Okay. Now, you mentioned Jabber?

13 A. Yes.

14 Q. What is Jabber?

15 A. It is a protocol through which you can communicate
16 on the internet.

17 Q. What is a protocol to communicate through the
18 internet?

19 A. I am not exactly able to explain it, but it is a
20 software —

21 Q. Software program?

22 A. Yeah, a program can use this protocol to communicate
23 — you can communicate using this protocol. I am not in
24 the technical position to explain what a protocol is.

25 Q. Did you have a nickname on Jabber?

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1 A. Yes. I had on the server I had on my brother's
2 server, I had balint, b-a-l-i-n-t, balint, and through
3 all this, I had balint mobile I was using on my mobile
4 phone?

5 And my brother and all of Nicolescu and
6 Miclaus had the same or added with mobile at the end.
7 For one user should have been used on the computer, and
8 the one that had mobile was added at the end on the
9 phone?

10 So we know when we talk between each
11 other, one is on the phone or he is at home on the
12 computer.

13 Q. The Jabber program could be used on a computer?

14 A. Yes.

15 Q. On a phone?

16 A. Yes.

17 Q. There was a nickname on a computer?

18 A. Yes.

19 Q. What was your nickname on the computer?

20 A. It was balint.

21 Q. B-a-l-i-n-t?

22 A. Yes.

23 Q. You communicated with your brother on a
24 computer?

25 A. Yes.

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1 Q. Using Jabber?

2 A. Yes.

3 Q. What did your brother use?

4 A. When communicating to balint, Romeo.

5 Q. What did you discuss on Jabber when you used balint
6 and your brother used Romeo?

7 A. We discussed anything private talk, but there was
8 also talk related to turning on and turning on the
9 devices used for wireless connections.

10 Q. Okay. Did you have a Jabber account on your
11 phone?

12 A. Yes, I did have.

13 Q. Did your brother have a Jabber account on his
14 phone?

15 A. Yes.

16 Q. Could you tell if you were communicating with your
17 brother on Jabber and your brother was on a phone?

18 A. Yes, because he was using the mobile ID when logged
19 in on the phone, and when he was logged in on the
20 computer, he was using the one without mobile?

21 So it was Romeo on the computer, and Romeo
22 — I don't remember in his case — but something with dot
23 or mobile or strike mobile.

24 Q. So Romeo or romeo.mobile?

25 A. That's right or minus mobile.

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1 Q. Got it. You said strike?

2 A. Yeah, minus.

3 Q. A minus.

4 A. Yeah.

5 Q. Did you ever communicate with Bogdan Nicolescu over
6 Jabber?

7 A. Yes, myself I did.

8 Q. What was his nickname on Jabber?

9 A. It was obe or mobile or obe mobile.

10 Q. How is it obe mobile?

11 A. I don't remember. It is obe, a minus and then
12 mobile.

13 Q. Mobile.

14 A. It was a conventional use, so we know whether
15 the other party was speaking on phone or on the
16 computer.

17 Q. So the dash or dot for mobile, did that convention,
18 who did it apply to?

19 A. To all of us that had accounts on the Jabber server
20 hosted by my brother.

21 Q. When you say your brother hosted the Jabber server,
22 what do you mean by that?

23 A. He had a computer, a server at his house, which had
24 the Jabber application installed, a Jabber software, and
25 he purchased a domain for it for free that changed at

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1 times.

2 Q. Were your communications public or private over
3 Jabber?

4 A. Mostly private. It was the problem of the
5 application that sometimes it happened that it would not
6 encrypt the messages right before you send them, so the
7 first line would be unencrypted.

8 Q. What do you mean by "encrypted on the Jabber
9 communications"?

10 A. It was encrypted with PGP.

11 Q. What's PGP?

12 A. Stands for pretty good privacy. It is an encryption
13 application or protocol. I am not sure how to put it for
14 messaging communications.

15 Q. Why did you use an encrypted private communications
16 with your brother?

17 A. First of all, you would use encryption to avoid
18 anyone else knowing what you speak about, and then it was
19 because — so we couldn't — when we were talking about
20 the fraud-related topic, it needed to be secure from the
21 authorities that could possibly investigate it.

22 Q. Secure from what authorities that could investigate
23 it?

24 A. From any authority.

25 Q. Like who?

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1 A. Like Romanian police and United States authorities
2 like FBI.

3 Q. Did you communicate Jabber, using Jabber with Radu
4 Miclaus?

5 A. Yes, I did.

6 Q. How did you communicate with him via using
7 Jabber?

8 A. I was using balint; he was using ferdy or the one
9 with mobile and through texting, chatting, but with him,
10 I didn't communicate much, just short sentences.

11 Q. Okay. Now, you mentioned it was encrypted. Is that
12 on the mobile with the PGP, pretty good privacy?

13 A. Yes.

14 Q. What about if you were at a computer communicating
15 with your brother, Bogdan Nicolescu, Radu Miclaus?

16 A. On the computer, we used the application Pidgin,
17 just an application for any messaging like you could use
18 on Yahoo, Google, AOL, GMX, and Jabber so everything,
19 almost everything, and you could also encrypt it with
20 PGP.

21 Q. What did Pidgin allow you to do when communicating
22 with Nicolescu, Miclaus, or your brother?

23 A. I could communicate and also to encrypt the
24 communications by using the PGP add-on.

25 Q. When using Jabber or Pidgin, how many people could

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1 be in that conversation or chat?

2 A. I did just two people. I think you could use group
3 chats, chat, but we never used them.

4 Q. You never used group chats. How did you set up an
5 account for Jabber?

6 A. It is easy to set up. We have hundreds of free
7 service providers, or in this case with my brother that
8 was hosting the server.

9 Q. How long did you have the nicknames with Nicolescu
10 Miclaus and your brother on the Jabber server?

11 A. I would say up until the arrests were made and
12 starting couple years before so 2014 for sure, 2013.

13 Q. Who set up Pidgin?

14 A. On my computer?

15 Q. Yes.

16 A. I set up myself. It is a very simple easy
17 application to set up.

18 Q. Who used Pidgin?

19 A. My brother used Pidgin. Nicolescu used Pidgin.

20 Q. Whose idea was it?

21 A. Nicolescu's idea.

22 Q. What happened after you brought your brother into
23 the eBay auction scheme?

24 A. He quit his job because he was making more money and
25 started programming various stuff for frauding, and he

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1 was quite prolific at doing it.

2 Q. Okay. Did you have communications with Radu Miclaus
3 regarding the eBay auction scheme?

4 A. Yes, I did.

5 Q. What communications did you have with him?

6 A. Regarding domain purchasing, regarding credit cards,
7 regarding money exchanges.

8 Q. Okay. Well, but the domain, domain are websites?

9 MR. O'SHEA: Objection.

10 THE COURT: Sustained.

11 BY MR. McDONOUGH:

12 Q. What conversations did you have regarding purchasing
13 domains?

14 A. We would exchange the domain log-ins that we bought
15 for each other, so we knew — or so we all used those
16 domains.

17 Q. All right.

18 A. And we also had an automated page through which
19 you would list all the credit cards and then mark a
20 credit card like it was already used for purchasing a
21 domain.

22 Q. Okay. Can you give an example of a domain that you
23 purchased?

24 A. It now crosses my mind "Liam is mule.com."

25 Q. Liam?

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1 A. "Liam is a mule.com."

2 Q. Liam is a mule.com?

3 A. Yeah.

4 Q. You purchased that?

5 A. Yes, I did.

6 Q. Who is Liam?

7 A. It is a guy that first tracked the virus from
8 Symantec, Liam O — I don't remember his name.

9 Q. What is Symantec?

10 A. A virus company that first detected MyeBay virus.

11 Q. Do you know when Symantec first identified
12 Nicolescu's MyeBay virus?

13 MR. GOLDBERG: Objection.

14 THE COURT: Sustained.

15 BY MR. McDONOUGH:

16 Q. What was your role regarding the virus?

17 A. Just to spread it to send mails containing
18 it and also have it checked on virus detection
19 portals.

20 Q. Okay. What is a virus detection portal?

21 A. For example, it was a virus total.com website, and
22 there was another smaller one that I cannot remember. It
23 was on the g-o-t-t-i.com domain, I think.

24 Q. What is virus total.com?

25 A. It is a service that is being offered for free to

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1 check if an application is infected with a virus through
2 almost all antivirus programs.

3 Q. How did you use the antivirus site virus total.com?

4 A. You would enter there an infected file.

5 MR. GOLDBERG: Objection.

6 THE COURT: Sustained.

7 BY MR. McDONOUGH:

8 Q. Did you have access to the virus?

9 A. Yes, I did have.

10 Q. How did you have access?

11 A. Nicolescu gave everyone involved access to
12 use it for customers that would have been infected with
13 it.

14 Q. Did the virus stay the same or change?

15 A. It changed multiple times.

16 Q. How do you know that it changed multiple times?

17 A. Because when it was detected, you couldn't use it
18 any more because of the antivirus software detecting it
19 and needed to be changed, not to be detected again.

20 Q. How did you know if the virus was detected by an
21 antivirus program?

22 MR. GOLDBERG: Objection.

23 THE COURT: Overruled.

24 A. At first, you would notice that there weren't so
25 many computers being infected. So the infection rate

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1 would drop.

2 And then, when this would happen, I would
3 enter the part that I sent on virus total.com and have it
4 checked there. And if it was infected, like if it was
5 detected by a major antivirus software like Symantec,
6 Microsoft, at times Norton or McAfee at first, then it
7 wouldn't be good more to be spread.

8 Q. How could you tell if a computer was infected with
9 the virus?

10 A. My brother created a tool which listed every
11 computer infected, so it should have the IP in
12 there.

13 Q. When you say IP, what do you mean?

14 A. The internet protocol address of the computer that
15 was infected.

16 Q. Did you ever see a list of IP addresses listing
17 infected computers?

18 A. Yes. I did and used it daily.

19 MR. GOLDBERG: Objection.

20 THE COURT: Overruled.

21 BY MR. McDONOUGH:

22 Q. Where did you see the list of infected computers?

23 A. On my computer, the list was actually on the — on a
24 special domain bought with credit cards and later with
25 cryptocurrency to administer all things that are linked

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1 to this fraud process.

2 Q. When you say that you saw the list of IP addresses
3 on a special domain that was purchased with a credit
4 card —

5 A. Yes.

6 Q. — what do you mean by "domain"?

7 A. I mean a web posting site or a virtual private
8 server.

9 Q. Could you describe what that web hosting site or
10 virtual private server looked like?

11 A. You had access by SSH.

12 Q. I am going to stop you there.

13 When you were on your computer, what did the
14 page look like that listed the IP addresses of infected
15 computers?

16 A. It was a page showing multiple column with the IP
17 and having different columns depending on the — if the
18 IP was available or not. If it was that, we usually just
19 list the available infected computers.

20 MR. McDONOUGH: Ms. Chandler, may we have
21 Exhibit 1446, page 2?

22 BY MR. McDONOUGH:

23 Q. Do you recognize this?

24 A. Yes, I do.

25 Q. What is it?

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1 A. It is a page through which you can see the listing
2 of infected computers.

3 Q. And Ms. Chandler, if we could please — if we could
4 zoom, let's say, the upper left quadrant. What's the
5 first column?

6 A. The first column is the tick that was used to tick
7 what IP was used on eBay.

8 Q. Okay. In the — on this page, do you see the web
9 hosting page address?

10 A. Yes. It is the —

11 Q. You can touch that screen. There is an arrow.
12 Could you point to the address?

13 A. This one here was the IP of the server. That means
14 the listing of the infected computers and later much
15 more.

16 Q. Okay. How would you see this page on your computer?

17 A. You would use an internet program and connect to it,
18 and at first, it was later on — at first, it was without
19 the user name and password and later on with user name
20 and password.

21 Q. Okay. You said at first you did not need a user
22 name or password to access this?

23 A. Yes, because we first created this, it was just that
24 it was produced for Nicolescu or my brother and myself
25 right after my brother created it.

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1 Q. How many people had access to this when it
2 started?

3 A. Just the three of us.

4 Q. Who are the three?

5 A. Nicolescu, my brother, and myself.

6 Q. Okay. That's the IP address column?

7 A. What — the IP address?

8 Q. Yes. What is that column?

9 A. You mean the IP of the server or the IP column?

10 Q. The second column. The first column is EB. What
11 was the EB column?

12 A. The second column is the IP of the infected
13 computers.

14 Q. Okay. What's the relay column, what's that?

15 A. It was other — it is the same thing as you can
16 notice the IP address having entered at the end a
17 number in the text as decimal that would be used by
18 a tool created by Nicolescu to use that IP as a SOCKS
19 server.

20 Q. What tool did Nicolescu create? You said SOCKS.

21 A. Yeah. It would use any infected IP that would allow
22 it because not all of them but most of them allowed it to
23 be used as a SOCKS server.

24 Q. What is a SOCKS — how do you spell SOCKS?

25 A. S-O-C-K-S.

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1 Q. What is a SOCKS server?

2 A. You can use that server to relay information through
3 it and so not to be connected actually with another
4 server. Instead of being connected directly, you would
5 use that server and to the party that you are connected
6 with, and it would show up like they are being connected
7 with the SOCKS server.

8 Q. Were you able to connect to an infected IP address
9 from your computer?

10 A. Yes.

11 Q. Could you connect to more than one?

12 A. Yes.

13 Q. Could you connect multiple infected computers in a
14 chain?

15 A. At first not, but after a while, this was being
16 developed.

17 Q. Why?

18 A. So it could further deter any investigating agency
19 to track down the originating IP and also to hide the IP
20 in any fraud-related activity.

21 Q. Okay. What are the action buttons HPA there, if you
22 know, next column after relay?

23 A. P is ping, you ping the server to know if it is live
24 at that time because this list would show you if it is
25 live in the last five minutes, and to know if it was live

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1 that second, you need to ping it by pressing P.

2 Q. What does ping mean?

3 A. Ping means internet language, means to check if the
4 server is live.

5 Q. And what's the H column — I'm sorry, H button?

6 A. H button was to open a port on that specific
7 infected IP, so it can be used as a SOCKS server.

8 Q. Okay. Open a port to connect to an infected
9 computer?

10 A. Yes.

11 Q. Okay. What's the — is that LS? I'm sorry. The A
12 button, do you know what that is?

13 A. The A button, I don't know. It was not much used.

14 Q. That's fine. What's the LS column?

15 A. The LS column —

16 Q. Yes.

17 A. — can you make it a little bit shorter or zoom
18 out?

19 Q. Zoom out?

20 A. Because there were two columns. So the last one was
21 with uptime. And LS was — when was the IP last used to
22 being accessed to be used, the last time that we
23 connected to it.

24 Q. Okay.

25 A. So we know we didn't connect to same. So we would

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1 choose new computer, new infected IP to connect one time
2 that we didn't use before.

3 Q. How did you select which infected computers to
4 connect to?

5 A. By showing this list and by clicking, by opening a
6 port or showing a list, you see there, I port, this meant
7 that —

8 Q. Let me stop you right there.

9 Do you know where these infected computers
10 were located?

11 A. Yes.

12 Q. How?

13 A. But at first, you could reverse track their
14 IP, and through a website that would show their
15 location.

16 Q. Why did you select computers in certain cities and
17 states?

18 MR. GOLDBERG: Objection.

19 THE COURT: Sustained.

20 BY MR. McDONOUGH:

21 Q. How did you use the city and state information on
22 this page in your scheme?

23 MR. GOLDBERG: Objection.

24 THE COURT: Overruled.

25 THE WITNESS: I would select the city and

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1 state, for example, I am purchasing web posting to be the
2 same with credit card information that we used.

3 So let me put here legitimate to the web
4 posting provider, and anytime we needed to match for a
5 related activity, to match the state, the city was not
6 important, just the state.

7 Q. And the state was important for what activity?

8 A. For the credit cards bought by purchasing the
9 domains to match with the credit card information, and
10 that basically was the main task —

11 Q. Okay.

12 A. — of knowing the state.

13 Q. How did you know where this website address for this
14 page was?

15 A. The one who created the website —

16 MR. GOLDBERG: Objection.

17 THE COURT: Sustained.

18 BY MR. McDONOUGH:

19 Q. How did you know where the virtual private server
20 was located?

21 MR. GOLDBERG: Objection.

22 THE COURT: Overruled.

23 A. Nicolescu purchased it. My brother purchased it. I
24 purchased them, and we were — Miclaus purchased them,
25 and we were sharing the info with the connection user

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1 name and password and the IP. So we could know how to
2 log on to it.

3 Q. How long was the virtual private server on one web
4 hosting site?

5 A. It depended how quickly it was shut down by —
6 either by the company or authorities, forcing the company
7 to shut it down. So it could take up from one day to two
8 years.

9 Q. How many virtual private server web hosting sites
10 were there?

11 A. There were many, more than ten, 20.

12 Q. Why did you have more than 10 or 20 virtual private
13 server web hosting sites?

14 A. First, because they were being shut down, and you
15 needed to keep a second one that could be used to putting
16 it up, and then in the final year, you would purchase the
17 web hosting with cryptocurrency. They saw ours to be
18 shut down, and they would stay longer.

19 Q. You mentioned you communicated with Nicolescu,
20 Miclaus, and your brother regarding the location of the
21 virtual private servers?

22 A. Yes.

23 Q. And in the beginning, you said you didn't need
24 log in and passwords, but later on you did?

25 A. No. I mentioned especially for showing the

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1 ping-view page.

2 Q. That particular page, what would you need to view
3 it?

4 A. This page, you need to use the IPs to connect
5 through SOCKS server, through them and everybody that was
6 using it and that was listing, you would connect through
7 a SOCKS server to list the — that's the one thing I
8 remember now, although for a listing on eBay, you would
9 need to match the state, to match when you open an eBay
10 account, you need a valid credit card for putting up an
11 auction.

12 And then, it was better if the credit card
13 on file matched the IP that was used, but in the end, it
14 turned out it was not so important, but at first, they
15 believed it was.

16 Q. So going back to step 1 of creating an account on
17 eBay?

18 A. Yes.

19 Q. — did you need to have a credit card to do
20 that?

21 A. You will need to have a credit card to sell stuff.
22 If you just made the account to buy stuff, which was —
23 we needed to sell stuff, so, yes, you would need a credit
24 card to make a seller's account.

25 Q. Okay. When you communicated with Nicolescu,

Mr. Valentin Danet - Direct

1 Miclaus, and Danet, how did you communicate?

2 MR. O'SHEA: Objection.

3 THE COURT: Overruled.

4 A. I communicated with them by phone call, messaging
5 applications, on the computer and on my phone and with my
6 brother and Nicolescu on eBay.

7 Q. Okay. The Jabber nicknames, could you attach files
8 in your chatting communications?

9 A. On the Jabber, no.

10 Q. When you are using the computer the Pidgin and OTR,
11 could you have attachments?

12 A. Yeah. You could have attachments on Pidgin.

13 Q. When you communicated via e-mail, could you have
14 attachments?

15 A. Yes, you sure can.

16 Q. All right. What was your e-mail address?

17 A. I have a lot of e-mail addresses both personal that
18 I used, that I mean were mine, and there was a lot of
19 others that were used inside the encryption for the fraud
20 purposes.

21 Q. Why did you have personal e-mails and fraud purpose
22 related e-mails, accounts?

23 A. Because I was — I didn't want to be tracked
24 down.

25 Q. Okay. What was an example of an e-mail that you

Mr. Valentin Danet - Direct

1 used for fraud-related purposes?

2 A. Radobbs, R-a-d-o-b-b-s @ GMX.com or —

3 Q. I'm sorry?

4 A. R-a-d-o-b-b-s. It was supposed to be from a
5 fictitious name.

6 Q. I'm sorry, R-a-d-o-b-b-s @ GMX.com?

7 A. At GMX —

8 Q. What is GMX.com?

9 A. GMX was the e-mail providing service. I am not sure
10 if it is now or shut down.

11 MR. GOLDBERG: Objection.

12 THE COURT: Sustained.

13 BY MR. McDONOUGH:

14 Q. What was another e-mail that you sent or e-mail
15 address?

16 A. I used Raul Fidel Castro after AOL or AIM.com. It
17 is the same thing. It is the AOL.

18 Q. Who selected the name of your e-mail?

19 A. I did myself.

20 Q. Okay.

21 A. And I was changing them more often than the
22 other.

23 MR. GOLDBERG: Objection.

24 THE COURT: Sustained.

25

Mr. Valentin Danet - Direct

1 BY MR. McDONOUGH:

2 Q. You had more than one fraud-related e-mail?

3 A. I had several, four, five, or six.

4 Q. Why did you have more than one fraud-related
5 e-mail?

6 A. Because I wanted to avoid being tracked down as the
7 same person, and because it happened twice for me that I
8 lost all the info I had on my laptop. Once I crashed my
9 laptop, and once the hard drive broke, and I needed to —
10 I lost the password.

11 Q. All right. What other fraud-related e-mails did you
12 have?

13 A. I had the more starting with R-A. I would always
14 keep R-A at first.

15 Q. Did R-A that stand for anything?

16 A. It stood for the first e-mail I created, and I
17 figured I would use several with starting R-A for the
18 other guys to know it is me but just to be different. So
19 I also used something like — I used "at a dollar dollar
20 Putin."

21 Q. Putin. Who was Putin?

22 A. President of Russia.

23 Q. Okay.

24 A. "At a 101 Putin."

25 Q. I am going to ask you this:

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1 Are you familiar with ral01Putin@GMX.com?

2 A. Yes. It was an e-mail address I used and created.

3 Q. I want to ask some questions about an e-mail sent
4 Friday, August 23rd, 2013.

5 Do you recall that e-mail?

6 A. Yes. I recall August 23rd when the eBay fraud was
7 at the highest of its capacity.

8 MR. GOLDBERG: Objection.

9 THE COURT: Sustained.

10 A. I recall the —

11 THE COURT: It will be stricken.

12 MR. McDONOUGH: All right.

13 BY MR. McDONOUGH:

14 Q. Who is amightysa @ gmail.com?

15 A. My brother used this, and I did messaging.

16 Q. Are you familiar with courier 3.50?

17 A. Yes. It is a very old e-mail application that was
18 discontinued.

19 Q. Did you use courier 3.50?

20 A. Yes, I used it.

21 Q. Do you recall sending your brother an attachment on
22 Friday, August 23rd, 2013?

23 A. I recall, yes, sending them. I don't know if it was
24 exactly on August 23rd, but I know it was in August
25 2013.

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1 Q. What is amounts final?

2 A. It was a spreadsheet I created because at that time
3 I administered talking to victims that were purchasing
4 cars on eBay, and I wanted my brother and Nicolescu to
5 have and myself to have an image of exact situation of
6 the amount being sent by the U.S. cities and that.

7 Q. What did the spreadsheet that you created look
8 like?

9 A. It had two sheets, so it was the first sheet that
10 had columns with the name of the victims that were
11 purchasing the cars with the price they paid for it,
12 where they came from, the state and the city, what was
13 the name of the mule of whose bank account was the
14 money sending, and so the amount and of the money sent by
15 the victim and how many times did the victims send the
16 money.

17 Q. Where did you get all the information to create this
18 spreadsheet?

19 A. From what I was talking with the mules and with the
20 victims, and I was administrator at that time in July and
21 August 2013, the selling of the vehicles, the so-called
22 sale of the vehicles through eBay.

23 Q. You talked to victims?

24 A. On e-mail, yes.

25 Q. How did you talk to victims on eBay?

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1 A. Via e-mail. I had a list — you would have the list
2 of e-mails that were interested. Then this e-mail would
3 be sent with an offer that they were going to acquire the
4 car —

5 Q. I am going to stop you there. When you say "talk to
6 the victims," how was the form of communication?

7 A. It was e-mails.

8 Q. E-mail?

9 A. I talked on the phone once, maybe twice, once for
10 sure. It was back in 2008 when I talked to a victim.
11 But I didn't like it at all. I mean, I — he noticed my
12 accent. It was not good. I didn't like to talk on the
13 phone.

14 Q. You didn't like — so that's 2008. You didn't like
15 to talk on the phone to victims?

16 MR. O'SHEA: Objection.

17 BY MR. McDONOUGH:

18 Q. Now, drawing your attention to 2013 —

19 A. Yes.

20 Q. — did you talk to victims as part of this?

21 A. No.

22 Q. Okay.

23 A. I talked to mules.

24 Q. How did you talk to mules?

25 A. Via e-mail, via texting through what is called in

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1 Romania, it is call a short SMS. In U.S., I think it is
2 called texting phone.

3 Q. How did you get the identity of a mule in the
4 United States?

5 A. I would list job services on Craigslist.

6 At first, they were jobs related to — I
7 mean, you could tell from the advertisement that it was
8 for a money mule, but Craigslist soon would shut them
9 down immediately.

10 So we just kept posting copy and paste to
11 the actual job listings, and to the people that were
12 interesting we would only reply here, look what the
13 actual job is, are you interested in being a mule?

14 Q. Who created the websites to recruit mules?

15 MR. GOLDBERG: Objection.

16 THE COURT: Overruled.

17 A. It was my brother and Nicolescu that created them,
18 and before that, when Craigslist — when websites were
19 created, when Craigslist was not working any more, so
20 when Craigslist was working, we used to put out for job
21 listings on Craigslist.

22 Q. Showing you what has been marked for identification
23 — I'm sorry.

24 MR. McDONOUGH: Ms. Chandler, may we bring
25 up Government's Exhibit 1741, page 1? If we could zoom

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1 into the lower half of that page with the red text.

2 That's good. Thank you.

3 BY MR. McDONOUGH:

4 Q. Do you recognize your e-mail address?

5 A. Yes, this one.

6 Q. To whom did you send this?

7 A. I sent it to my brother.

8 Q. And what was your subject?

9 A. "Amounts final."

10 Q. How did you send this to your brother?

11 A. Through e-mail on the encrypted computer and on the
12 encrypted connections, everything encrypted.

13 Q. When did you send it?

14 A. Says there 23rd of August 2013.

15 Q. And what e-mail program did you use to send this?

16 A. It was Courier.

17 Q. Okay. And if we could zoom out, please, and
18 if we could please go to page 23. Do you recognize
19 this?

20 A. Yes. That's what I created.

21 Q. And if we could zoom in on the gray there. Thank
22 you. What is this?

23 A. It is a list with people that sent money during July
24 and August 2013 for purchasing cars and people I have
25 been talking to on e-mail.

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1 Q. I want to ask these next questions regarding one
2 mule by the name of Donna Wolfe. Okay?

3 A. Yeah. I remember her.

4 Q. How do you remember Donna Wolfe?

5 A. There were mules that we were using for a lot of
6 times, and some of their names I remember. For example,
7 the longest mule that we —

8 MR. GOLDBERG: Objection.

9 THE COURT: Sustained.

10 Q. Do you remember — how did you remember Donna Wolfe
11 as a mule?

12 A. By her name.

13 Q. Okay.

14 A. I think if I remember —

15 Q. That's okay.

16 THE COURT: Sustained.

17 BY MR. McDONOUGH:

18 Q. When you sent this e-mail to your brother, did you
19 encrypt it?

20 A. Yes, I encrypted it, but I found after sending it, I
21 noticed that Courier didn't encrypt it. It had some
22 problems from time to time. I don't know why this
23 happened, that it would not encrypt attachments. So it
24 was a bug in this software program.

25 Q. A bug?

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1 A. A bug in the program, b-u-g.

2 Q. Thank you. How was your computer set up to send
3 encrypted e-mail?

4 A. It was set up to send it automatically through
5 Courier.

6 Q. Who set up that encryption?

7 A. I did.

8 Q. All right. If we could look at the third line, do
9 you see the e-mail address starting with "T trail"?

10 A. Yes, I do.

11 Q. What is that e-mail address?

12 A. I don't remember, but all these e-mail addresses are
13 e-mail addresses of the victims that sent money.

14 Q. Where did that e-mail address come from? And I
15 am just talking about the highlighted line on the
16 screen.

17 A. You mean trail crest @ gmail.com?

18 Q. Where did you get that e-mail address to put in this
19 spreadsheet?

20 A. From listing on eBay. This guy was interested in
21 purchasing a car, and we replied with —

22 Q. Okay. Who is Andrew Kasianchuk?

23 A. He is the name of the people that send the money and
24 was using the trail crest gmail.

25 Q. Column 1 is the e-mail address, and column 2 —

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1 A. Column 2 is the name of the people using column 1
2 e-mail and sending column 3 part to the column 4 mule
3 account.

4 Q. Okay. So what is the amount column 3?

5 A. It is the amount that the vehicle was sold for.

6 In green, it means the money was retrieved
7 by us, and in red, it means it was not retrieved.

8 Q. Green means — what was retrieved?

9 A. The money.

10 Q. Red means what?

11 A. It was not retrieved for various reasons.

12 Q. When you say "red was not retrieved," what does that
13 mean?

14 A. I mean, either the bank lost the transfer, or for
15 example, when you see in another color with red, it says
16 in Romania that it got lost here, and there you see this
17 means a guy that was retrieving the money with a fake ID
18 from Western Union, tricked us, and didn't give us the
19 money.

20 Q. Who is Matei?

21 A. I don't know who he was. It was a guy that
22 Nicolescu knew that —

23 MR. GOLDBERG: Objection.

24 THE COURT: Sustained.

25

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1 BY MR. McDONOUGH:

2 Q. How do you know about Matei?

3 A. Nicolescu told me he retrieved —

4 THE COURT: One moment.

5 MR. GOLDBERG: Objection.

6 THE COURT: One moment. Sustained.

7 BY MR. McDONOUGH:

8 Q. After the green dollar amount there, \$8,852.30,
9 what's the next column?

10 A. It is the name of the so-called mule, the guy or man
11 or woman that had the bank account.

12 Q. Okay. And what is the next column after Donna
13 Wolfe?

14 A. Donna Wolfe's bank that was used in this
15 transaction, could have more than one account.

16 Q. Mules could have more than one bank?

17 A. Yes, two or three of them.

18 Q. Yes or no. Do you know why mules would have to have
19 more than one bank?

20 A. To make it available —

21 Q. Just yes or no.

22 A. Yes.

23 Q. Next column, after US Bank One, what's Jefferson,
24 ME?

25 A. The city and state of Donna Wolfe.

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1 Q. Do you have the city —

2 A. No. It was the city and state of Andrew Kasianchuk.

3 Q. The prospective buyer?

4 A. Yes.

5 Q. That's his city and state?

6 A. Yes.

7 Q. What's the next column there?

8 A. The next column is the day that the money was sent
9 in, 17th of June, and X 2 means that he was tricked in to
10 send the money twice.

11 Q. Who got tricked to send the money twice?

12 A. The victim Andrew Kasianchuk.

13 Q. How would the victim be tricked into sending the
14 money twice?

15 A. I make up a story that we had to return his first
16 transfer, and then he would later receive the check,
17 and that he needs to send money again if he wants to
18 buy the vehicle, and that we can offer him discount for
19 that.

20 Q. How much was the discount?

21 A. \$1,000, something like that, and from \$8,000 we
22 could sell it for \$7,000.

23 MR. O'SHEA: Objection.

24 THE COURT: Sustained.

25

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1 BY MR. McDONOUGH:

2 Q. What are the other columns in that row? What do the
3 other columns mean?

4 A. This is where it says in red, it says —

5 Q. I'm sorry. Just for the highlighted line. Just the
6 highlighted —

7 A. 1 means that as people collecting the money through
8 — from Western Union gave us the money, it happened six
9 times, so 1 was to note we got the first cut of the
10 money; 2, when we got the second cut, and the third cut,
11 the fourth cut and so on.

12 Q. Who got a cut?

13 A. The ones that were working on this — working on
14 this project.

15 Q. How many people were working on this eBay auction
16 fraud on August 23rd of 2013?

17 A. Around six and ten, from six to ten.

18 Q. What is the next column, 18,880 r-o-n?

19 A. If you can make — zoom out because I am not sure if
20 it has connection, that line or separate part.

21 Q. Would a hard copy help you?

22 A. Yes, maybe.

23 MR. McDONOUGH: May I approach the witness,
24 your Honor?

25 THE COURT: Of course.

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1 A. So this is separate from — it is like some other —
2 when 1, 2, 3, 4, 5, 6 — it is a different column. It is
3 about the cost that we receive this cash in hand. So
4 first time we receive this amount 18,880 Romanian
5 currency, and then there are percentages calculated so we
6 will know how to split this money.

7 Q. And the money was split to everyone in the group?

8 MR. GOLDBERG: Objection.

9 THE COURT: Sustained.

10 BY MR. McDONOUGH:

11 Q. I'm sorry. Who got a cut?

12 A. No. So during those two months, it was — I got a
13 cut, my brother, Nicolescu, Miclaus, two guys that I know
14 just by their nicknames and not their real names.

15 Q. Who are the other nicknamed guys?

16 A. Linx or Linxstal and keke or keke zete.

17 Q. Linx, L-i-

18 A. L-i-n-x.

19 Q. Next. What was the other name?

20 A. It could be — this was short and the longer was
21 L-i-n-x-s-t-a-l.

22 Q. Linxstal?

23 A. Yes.

24 Q. Do you know who that is?

25 A. I don't know him in person.

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1 Q. Do you know his name?

2 A. No.

3 THE COURT: We will take the luncheon recess
4 at this point. Be downstairs at 1:15. All rise for the
5 jury.

6 (Luncheon recess taken.)

7 - - - - -

8

9

10

11

12

13

14 AFTERNOON SESSION

15 THE COURT: Please be seated. You may
16 continue.

17 BY MR. McDONOUGH:

18 Q. When we left off from the morning break, we were on
19 Government's Exhibit 1741, page 23.

20 MR. McDONOUGH: What I would like to do,
21 Ms. Chandler, would you please zoom out?

22 BY MR. McDONOUGH:

23 Q. Do you see the name Donna Wolfe listed as the mule
24 on page 23?

25 A. Yes, several times.

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1 MR. McDONOUGH: Ms. Chandler, could you
2 please highlight the Donna Wolfe rows?

3 BY MR. McDONOUGH:

4 Q. I will ask you for these questions all involving
5 Donna Wolfe.

6 A. Yes.

7 Q. What was the name of the prospective buyer for the
8 second highlighted line?

9 A. Matthew Hartick according to the spreadsheet.

10 Q. And where was his residence?

11 A. In St. Charles, Missouri.

12 Q. What was the date of the wire transfer?

13 A. 25th of June.

14 Q. What was the next prospective, the next buyer?

15 A. Christopher M. Roberts.

16 Q. What city was he from?

17 A. Webster, Massachusetts.

18 Q. What was the date of the transfer?

19 A. 27th of June.

20 Q. Who was the next purchaser?

21 A. Donna K. Patterson.

22 Q. What was her city?

23 A. Webster, New York.

24 Q. Was Donna Wolfe's bank the same bank as in the prior
25 transactions?

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1 A. No. As I listed it here, first bank was US Bank and
2 then Charter One.

3 Q. What was the date of the transaction?

4 A. 5th of July.

5 Q. The next buyer?

6 A. Ryan P. Martin from Seal Beach, California, on 16th
7 — 6th of July, sorry.

8 Q. Next buyer?

9 A. John Curtis or maybe his wife was the account in
10 both names.

11 Q. What city?

12 A. Blythe, California.

13 Q. The date of the transaction?

14 A. 8th of July.

15 Q. Who's the next buyer?

16 A. Sean Woodard from Abilene, Texas.

17 Q. And the last highlight on the page highlighted
18 yellow?

19 A. Mark Miller in parenthesis. It was perhaps a
20 company name. It is not listed in full.

21 Q. Okay.

22 A. From Reno, Nevada, 2nd of August.

23 Q. Did all of these transactions involving Donna Wolfe
24 occur outside the state of Ohio?

25 MR. GOLDBERG: Objection.

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1 THE COURT: Sustained.

2 BY MR. McDONOUGH:

3 Q. The residence information was for the prospective
4 buyers?

5 A. The residence, yeah, this is where the buyers came
6 from.

7 Q. Do you know where the buyers wired their money
8 from?

9 A. From their bank accounts.

10 Q. Are any of the highlighted banks in the state of
11 Ohio?

12 A. Yes.

13 Q. Who are those bank accounts?

14 A. I know for sure PNC was in the state of
15 Ohio.

16 Q. Do you know what state Donna Wolfe lived
17 in?

18 A. I don't remember this.

19 Q. Okay. Do you know the states where these buyers had
20 their banks?

21 A. They must have had the banks in the state that was
22 listed there as this.

23 Q. Okay. As part of this scheme, did you receive any
24 information from banks of the buyers?

25 A. From banks of the buyers? Yes. The buyers I

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1 requested from the buyers to send a copy of the — that
2 would prove that transaction was taking place when the
3 transfer was postponed, I would transfer here
4 immediately, which was sometimes the case. I would not
5 request such thing if it was postponed until the next day
6 or second day.

7 Q. How did the buyers get that document to you through
8 the bank?

9 A. Through e-mail or fax.

10 MR. GOLDBERG: Objection.

11 THE COURT: Overruled.

12 BY MR. McDONOUGH:

13 Q. And if we could zoom out, and if we could please go
14 to page 24 of Exhibit 1741.

15 MR. McDONOUGH: We could zoom in on that
16 table there. Thank you.

17 BY MR. McDONOUGH:

18 Q. Do you see Donna Wolfe's on page 24?

19 A. Yes, several times.

20 MR. McDONOUGH: And Ms. Chandler, if you
21 could highlight the Donna Wolfe rows.

22 BY MR. McDONOUGH:

23 Q. Who is the first buyer?

24 A. Thomas J. Palpin.

25 Q. What city and state was he from.

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1 A. Bedford, New York.

2 Q. The date of the transaction?

3 A. August 5.

4 Q. Next buyer?

5 A. Eugene Fry from Austin, Texas, August 6th.

6 Q. Was that a successful wire?

7 MR. O'SHEA: Objection.

8 THE COURT: Sustained.

9 Q. What does the red —

10 A. That the money did not arrive to us.

11 Q. Who was the next buyer?

12 A. Mary Booe from Tyler, Texas, August 9th.

13 Q. And next buyer?

14 A. James Roscoe, Renton, Washington, August 12th. And
15 next is William Parish, New Orleans, Louisiana, August
16 19th.

17 Q. What was the amount for William Parish?

18 A. \$12,500. And on the second column —

19 Q. What was the bank for Donna Wolfe for that
20 transaction?

21 A. KeyBank.

22 Q. After the transaction column, there is a second
23 column of dates. What does that mean?

24 A. It means the second transfer.

25 Q. What do you mean by "second transfer"?

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1 A. Where it says X 2, it means that the — when I made
2 the victim send the wire twice.

3 Q. Last line, the William Parish line, there is a date
4 of August 19th. Do you see that column?

5 A. Yes.

6 Q. What's the next column, August 31st? What does that
7 mean?

8 A. I remember the second column in that case was the
9 date that the vehicle should be received.

10 Q. Okay. Vehicle date. Okay?

11 A. Yeah.

12 Q. Were you able to track the money from the U.S. to
13 you?

14 A. I could track it as far as the mule reported to
15 me.

16 MR. O'SHEA: Objection.

17 THE COURT: Overruled.

18 A. Partly.

19 Q. Partly. Okay.

20 And if we could now zoom — I should say —
21 let's see. If we could go to 1741, page 45. And if we
22 could zoom in to the top quarter.

23 Do recognize this?

24 A. Yes.

25 Q. What is this?

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1 A. In the first, in this quadrant is like the money
2 that was received in one cut that we received, and it
3 says there in Romanian how much Romanian currency was in
4 total, and the right side is an amount in Euro.

5 Q. What are the next two lines?

6 A. These two?

7 Q. Yes.

8 A. It says 56,600 was taken by MF, and 60,050 remains
9 to be taken.

10 Q. And what is the next several lines?

11 A. Next several lines I have written here in Romanian,
12 how much Romanian currency I have actually counted.

13 Q. Okay. What is the L-e-i?

14 A. It is the Romanian currency.

15 Q. What is E u r o?

16 A. The Euro currency.

17 Q. Who is MF?

18 A. It is Bogdan Nicolescu.

19 Q. What is zero .25?

20 A. 25 percent of the amount that was taken by
21 us.

22 Q. When you say "amount taken by," what do you mean by
23 that?

24 A. Wait a minute. From the amount that the whole group
25 received.

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1 Q. Oh, the whole group?

2 A. Yes.

3 Q. Who else got a share?

4 A. The ones that are here written, it is Linx or
5 Linxstal, min or Minolta.

6 Q. What was Linx' share?

7 A. Twenty five percent as well.

8 Q. Who is the next one?

9 A. Min or Minolta.

10 Q. What was Minolta's share?

11 A. 10 percent.

12 Q. Who is the next one?

13 A. Amy or amighty, amightysa.

14 Q. Who is that?

15 A. My brother.

16 Q. What was his share?

17 A. Twenty five percent.

18 Q. Okay. What's the next one?

19 A. Raul, that's me, 15 percent.

20 Q. Okay. If you add up Master Fraud's share, Linx'
21 share, Minolta's share, amightysa's share, and Raul's
22 share, what would that total be?

23 A. Hundred percent and total to the amount that we
24 received actually as cash in hand.

25 Q. How did you get the cash in hand?

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1 A. From Bogdan Nicolescu or from Radu Miclaus or from
2 my brother.

3 Q. How would you get the cash in hand from Bogdan
4 Nicolescu?

5 A. He would come to my apartment and give it to me
6 there.

7 Q. How would you get the cash from Radu Miclaus?

8 A. I meet him in his car and take it from there.

9 Q. How much money did you get from the beginning of
10 2007 to 2013?

11 A. Myself or how much money did I count as —

12 Q. Both.

13 A. Myself must have been —

14 MR. GOLDBERG: Objection.

15 A. I don't recall —

16 THE COURT: I'm sorry. The "must have
17 been."

18 A. I don't recall that figure.

19 THE COURT: Sustained.

20 A. But I can tell an proximate amount.

21 THE COURT: One moment, sir.

22 THE WITNESS: Sorry.

23 BY MR. McDONOUGH:

24 Q. Did you keep track of how much the group made?

25 A. No.

Mr. Valentin Danet - Direct

1 Q. Did you keep track as to how much you made?

2 A. I kept track but not exactly.

3 Q. Did you approximate how much you made?

4 A. Yes, between \$200,000 and —

5 MR. GOLDBERG: Objection.

6 THE COURT: Overruled as to "you only,"

7 sir.

8 BY MR. McDONOUGH:

9 Q. How much did you make?

10 A. Between \$200,000 and \$300,000 I estimate.

11 Q. Okay. You met — how long would you work from 2007
12 to 2013?

13 A. I would work not constantly but different pauses
14 for various reasons. The reasons would have been
15 that —

16 Q. Let me stop you.

17 How many hours a day would you work on this
18 fraud?

19 A. When — for example, during July and August —

20 MR. GOLDBERG: Objection.

21 A. 2013 —

22 THE COURT: Sustained, sustained.

23 Q. Did you take any time off?

24 A. Yes. I did take time off.

25 Q. When?

Mr. Valentin Danet - Direct

1 A. In 2011 and 2009.

2 Q. Why?

3 A. Because it overloaded me, because it was too much of
4 a burden working on this.

5 Q. Why was this too much of a burden on you or it
6 overloaded you?

7 A. Because I was doing it from 12 to 16 or 18 hours a
8 day.

9 Q. Okay. Where were you doing it from?

10 A. From my home.

11 Q. Who was with you at your home?

12 A. It was, at first, my parents when I lived with my
13 parents and my brother, and then when my fiance — when I
14 was living with my fiance.

15 Q. Okay. What did you do with the money you made?

16 A. I paid for rent, for daily expenses. I bought three
17 cars during those years and used it for expenses.

18 Q. What cars did you buy?

19 A. At first Mercedes, very old Mercedes. Then in 1992
20 BMW and then 2010, '9, BMW.

21 Q. Okay. Now, I would like to ask you about the second
22 part, 2014 to 2016.

23 A. Yes.

24 Q. Why did you rejoin the group?

25 A. I was asked by my brother and Bogdan Nicolescu to

Mr. Valentin Danet - Direct

1 rejoin the group because they need work force.

2 Q. I am sorry. A work —

3 A. Work force.

4 Q. Work force?

5 A. Yes. And they have lot of tasks to carry on, and
6 they don't have people to work on that.

7 Q. Who was in charge?

8 A. Bogdan Nicolescu.

9 MR. GOLDBERG: Objection.

10 THE COURT: Sustained.

11 MR. GOLDBERG: Sorry. I was a little slow,
12 your Honor. Move to strike.

13 THE COURT: That will be stricken.

14 BY MR. McDONOUGH:

15 Q. Okay. What was the scheme from 2014 to 2016?

16 A. The scheme was about infecting as many computers as
17 possible in the United States and throughout the whole
18 world.

19 Q. What role did you play in infecting computers in the
20 United States and throughout the world?

21 A. I created the spam messages, the messages that
22 would be sent —

23 Q. I'm sorry. Spam messages?

24 A. Yeah.

25 Q. What are those?

Mr. Valentin Danet - Direct

1 A. E-mails that would be sent to millions, to e-mail
2 addresses, tens of millions.

3 Q. Millions or tens of millions?

4 A. Yes.

5 Q. Where did you get all the e-mail addresses to send
6 that?

7 A. At first, from my brother managed to take them from
8 the Outlook contact of the infected computers, and then I
9 suggested it, I would take them from public listings like
10 yellow pages and similar websites that also listed
11 e-mails of real people.

12 Q. Uh-huh. What languages did you speak in
13 2014?

14 A. I could speak Romanian, English, German,
15 Spanish.

16 Q. Do you know how many computers were infected with
17 the virus?

18 MR. GOLDBERG: Objection.

19 THE COURT: Overruled. Do you know, sir?

20 THE WITNESS: Yes, I do.

21 BY MR. McDONOUGH:

22 Q. How many?

23 MR. O'SHEA: Objection.

24 THE COURT: Sustained.

25

Mr. Valentin Danet - Direct

1 BY MR. McDONOUGH:

2 Q. How do you know?

3 A. Because I had access to the control computer that
4 showed how many were infected.

5 Q. What was the highest number of computers
6 infected?

7 MR. GOLDBERG: Objection.

8 THE COURT: Overruled.

9 A. As far as I know —

10 MR. GOLDBERG: Objection.

11 THE COURT: Sustained.

12 BY MR. McDONOUGH:

13 Q. Sorry. Do you know what the highest number
14 was?

15 A. Yes.

16 Q. I'm sorry. Let me rephrase.

17 What was the highest number of infected
18 computers that you saw?

19 A. I saw 160,000.

20 Q. Okay. Do you know what the purpose was for
21 infecting all those computers?

22 MR. GOLDBERG: Objection.

23 Q. Yes or no.

24 THE COURT: Overruled.

25 A. Yes, I do.

Mr. Valentin Danet - Direct

1 Q. How do you know?

2 A. Because Nicolescu told me. My brother told me. And
3 I used to administer things.

4 Q. Okay. What did Nicolescu tell you about infecting
5 all the computers?

6 A. That they were to be used for getting credit cards,
7 for mining cryptocurrency.

8 Q. Okay. Did you get stolen credit cards?

9 A. Yes.

10 Q. What did you do with them?

11 A. Between 2014 and 2016, I sold them on Alpha Bay.

12 Q. What is Alpha Bay?

13 A. Alpha Bay is a website on the darknet or was. I am
14 not sure if it exists right now any more.

15 Q. What is the darknet?

16 A. It is a part of the internet and cannot be accessed
17 directly and needs to be accessed by a Tour browser.

18 Q. What's Tour browser?

19 A. It is a browser that was created by several parties,
20 agencies.

21 Q. How did you sell stolen credit cards on Alpha Bay on
22 the darknet using Tour browser?

23 MR. GOLDBERG: Objection.

24 THE COURT: Overruled.

25 A. It was different steps. At first, Nicolescu gave me

Mr. Valentin Danet - Direct

1 the account that he had access to on the Alpha Bay forum.
2 It is actually a forum and showed me how I should carry
3 on from there?

4 And I overtook the administering of the
5 Alpha Bay selling account.

6 Q. How much did you sell the stolen credit cards
7 for?

8 A. At first as low as possible.

9 Q. As far as what as possible?

10 A. At first as low as possible, so for \$1 apiece to
11 deter competition that was also selling credit cards,
12 mostly Russian.

13 Q. Did you change the price?

14 A. Yes. Later 2016 shortly — two, three months before
15 the arrest, I realized there is more to be made because
16 the —

17 MR. GOLDBERG: Objection.

18 THE COURT: Sustained.

19 BY MR. McDONOUGH:

20 Q. How much did — what was the new price?

21 A. It was up to \$35 apiece.

22 Q. Apiece. How many stolen credit cards did you sell?

23 A. I don't remember the exact number, but I cannot
24 approximate number.

25 Q. What did you — how did you get paid for selling the

Mr. Valentin Danet - Direct

1 stolen credit cards?

2 A. With bitcoin.

3 Q. What is bitcoin?

4 A. It is a cryptocurrency.

5 Q. How did you get paid in bitcoin?

6 A. Nicolescu would give me bitcoin wallets that were
7 empty to be filled in, and I gave the wallet to the
8 clients that would pay for those credit cards.

9 Q. What is a wallet?

10 A. It is — has a decimal address that parties can use
11 to transact bitcoin or any other cryptocurrency.

12 Q. Okay. What did you do with the bitcoin that came
13 into the wallet?

14 A. As when the wallet reached one bitcoin, I would send
15 an e-mail to my brother and Nicolescu saying with the
16 wallet address and the amount of bitcoins that was
17 inside.

18 Q. Were you involved with cashing out the bitcoin into
19 money?

20 A. I was involved in — lately in setting, trying to
21 set up accounts on cryptocurrency exchanges.

22 Q. Okay. Did you — yes or no — did you know
23 anyone in the group who was involved with cashouts with
24 bitcoin?

25 A. Yes.

Mr. Valentin Danet - Direct

1 Q. How do you know?

2 A. Nicolescu told me that that person cashes out using
3 fake ID.

4 Q. Do you know the name of the cashout — did Nicolescu
5 tell you the name of the cashout person?

6 A. Yes, he did.

7 Q. What was the name?

8 MR. GOLDBERG: Objection.

9 THE COURT: Overruled.

10 A. Bogdan Antonovici.

11 Q. Do you know his nickname?

12 A. Morfizu.

13 Q. I want to direct your attention to September 28th,
14 2016, in the early morning hours. Where were you, and
15 what were you doing?

16 A. I was at my computer administering the selling on
17 Alpha Bay.

18 THE COURT: I'm sorry, sir.

19 THE WITNESS: I was on my computer
20 administering the selling on Alpha Bay.

21 BY MR. McDONOUGH:

22 Q. When you say "administering the selling on Alpha
23 Bay" —

24 A. The selling of credit cards.

25 Q. Okay. You were selling credit cards in the early

Mr. Valentin Danet - Direct

1 morning?

2 A. Yes.

3 Q. Okay. How did you find out about the arrests in
4 this case?

5 A. My father called me around 11:00 o'clock that
6 day.

7 Q. Did you talk to your father?

8 A. On the phone, yes.

9 Q. Did you ask your father any questions?

10 A. I don't recall but —

11 Q. Okay. That's okay.

12 Did your father provide you with
13 information? Yes or no.

14 A. Yes.

15 Q. Based on that information, what did you do?

16 A. I didn't understand why I was not arrested, and I
17 shut — I logged in — tried to log-in again on the
18 computer to see what was going on and if this was true,
19 and I noticed that all the servers were down.

20 Q. How did you know that all the servers were
21 down?

22 A. Because I couldn't log on to them anymore, I
23 mean, to the Jabber server that was used for
24 communications.

25 Q. Okay. When you logged on from home, how did you get

Mr. Valentin Danet - Direct

1 on the internet from home?

2 A. It is a little bit long to explain.

3 Q. What was the first step?

4 A. The first step you would connect to a wireless
5 network that had no password or —

6 Q. How do you connect to a wireless network?

7 A. Through a wireless router specially designed for
8 this purpose.

9 Q. What is a specially designed router?

10 A. It was a router that had a bigger antenna
11 attached.

12 Q. Where did you get a special wireless router?

13 A. The router wasn't special, but the antenna was
14 special. I got it from Nicolescu.

15 Q. What did it look like?

16 A. It looked like a square like this size, and there
17 was a cable attached, of course.

18 MR. McDONOUGH: May I approach the witness,
19 your Honor?

20 THE COURT: You may.

21 BY MR. McDONOUGH:

22 Q. Showing you Government's Exhibit 1415, have you seen
23 something like this before?

24 A. Yes, I did.

25 Q. What is it?

Mr. Valentin Danet - Direct

1 A. As you see, the left side is a router and right side
2 directional antenna.

3 Q. Did you have one?

4 A. Yes, I did.

5 Q. Did you see anybody else have one?

6 A. Yes, I did so.

7 Q. Who else had one?

8 A. I saw my brother having one. I saw Nicolescu having
9 one, and I also got note from Nicolescu that others had
10 one because I connected to those routers.

11 MR. GOLDBERG: Objection.

12 THE COURT: Sustained.

13 BY MR. McDONOUGH:

14 Q. How do you know Nicolescu had one?

15 A. I saw it at his home.

16 Q. Where was his house?

17 A. He had multiple residences throughout the
18 years.

19 Q. What house did you see it in?

20 A. I saw it in a house in Rasnov.

21 Q. Rasnov?

22 A. Yes.

23 Q. How do you spell that?

24 A. R-a-s-n-o-v, and also in Harman near Brasnov.

25 Q. You were in Nicolescu's houses?

Mr. Valentin Danet - Direct

1 A. Yes, I was.

2 Q. What did you do after the server was down and you
3 had the conversation with your father?

4 A. I didn't know what to do. I didn't know if
5 I would be arrested. I didn't know that for a long time
6 afterwards. I was expecting this to happen everyday.

7 Q. Okay. How were you feeling?

8 MR. GOLDBERG: Objection.

9 THE COURT: Sustained.

10 BY MR. McDONOUGH:

11 Q. Okay. Where was your brother?

12 A. My brother was detained in jail at the police
13 station in Romania and then extradited to the
14 United States.

15 Q. Did you keep in contact with your brother?

16 A. Yes, I did.

17 Q. When was the last time you saw your brother?

18 A. When I visited him before departure to the
19 United States.

20 Q. Before today, when is the last time you saw Bogdan
21 Nicolescu?

22 A. I don't recall the exact day, but it was in 2016.

23 Q. Before today, when is the last time you saw Radu
24 Miclaus?

25 A. It was one day before the arrest.

Mr. Valentin Danet - Direct

1 Q. Turning your attention to February 2019, did
2 you have any interaction with the Romanian National
3 Police?

4 A. Yes, I did have.

5 Q. What was the interaction?

6 A. I was summoned to the authorities involved in
7 organized — investigate organized crime as a
8 witness.

9 Q. Were you arrested?

10 A. No, I was not.

11 Q. Where did you go?

12 A. I went first to an authority, and then when — that
13 day that I was summoned, we went to the headquarters of
14 the Romanian Organized Crime Combat.

15 Q. Did you have your attorney with you?

16 A. Yes, I did have.

17 Q. Were you asked questions?

18 A. Yes, I was being asked questions.

19 Q. What were you asked questions about?

20 A. I was being asked questions about how did I
21 get to know Nicolescu and Miclaus and also about,
22 if I know several other names of people and if I
23 know e-mail addresses and messaging IDs that belonged to
24 me.

25 Q. Were those questions under oath?

Mr. Valentin Danet - Direct

1 A. Yes, there were.

2 Q. Did you answer them truthfully?

3 A. I answered them —

4 MR. GOLDBERG: Objection.

5 THE COURT: Sustained, sustained.

6 Q. Did you lie?

7 A. Yes, I lied. I said —

8 MR. GOLDBERG: Objection.

9 THE COURT: Sustained.

10 BY MR. McDONOUGH:

11 Q. Why did you lie?

12 MR. GOLDBERG: Objection.

13 THE COURT: Overruled.

14 A. I was summoned in front of —

15 MR. GOLDBERG: Objection.

16 THE COURT: Overruled. Go ahead, sir.

17 A. It is a longer explanation, so I need to put it out
18 like it was.

19 So my Romanian —

20 Q. Let me ask you this:

21 What were you feeling at the time that you
22 were with the Romanian police in the organized crime
23 building answering the questions?

24 MR. GOLDBERG: Objection.

25 THE COURT: Overruled.

Mr. Valentin Danet - Direct

1 A. I felt like I was about to get arrested when this
2 session was over, and I felt because of the presence —

3 MR. GOLDBERG: Objection.

4 THE COURT: One moment. New question.

5 BY MR. McDONOUGH:

6 Q. You thought you were going to get arrested?

7 MR. GOLDBERG: Objection.

8 A. Yes.

9 Q. Okay. Was anybody present there from the Federal
10 Bureau of Investigation or FBI?

11 A. Yes. As we walked down the corridor, me and
12 my attorney were greeted by Ms. Stacy — I don't
13 remember the last name — and Mr. Ryan Macfarlane from
14 the FBI.

15 Q. Special Agent Ryan Macfarlane was there?

16 A. Yes, he was.

17 Q. Did they — did the FBI want to talk to
18 you?

19 A. He didn't say anything. He just handed me and my
20 attorney his business card, and he was present at the
21 questioning.

22 And he was the one suggesting the questions
23 to the Romanian police officer that was conducting the
24 interview.

25 Q. Did you and your attorney later meet with the FBI in

Mr. Valentin Danet - Direct

1 Romania?

2 A. My attorney, no. I didn't meet, but my attorney
3 exchanged e-mails.

4 Q. Okay. Your attorney was a Romanian attorney?

5 A. Yes, he was.

6 Q. Did you end up getting another attorney?

7 A. Yes.

8 Q. Who is that?

9 A. Mr. Edward R. LaRue.

10 Q. Where is he an attorney?

11 A. He is an attorney in the state of Ohio.

12 Q. Okay. Did your attorney Mr. LaRue meet with
13 you?

14 A. He met with me.

15 Q. Where?

16 A. In Bucharest.

17 Q. In Bucharest?

18 A. Yes.

19 Q. Did you, your attorney, the FBI meet?

20 A. No. When I met the FBI, I was only with my Romanian
21 attorney.

22 Q. Okay. Let me ask you, have you been promised
23 anything in this case?

24 A. I was being offered a so-called proffer.

25 Q. A proffer letter?

Mr. Valentin Danet - Direct

1 A. A proffer letter, yes.

2 Q. Is this the first time that we have met?

3 A. I didn't understand.

4 Q. Oh, yeah. Is this the first time that you have seen
5 me?

6 A. No, it is not.

7 Q. Where did you see me before?

8 A. The first time was in Romania in Bucharest,
9 several days after I was summoned for the witness
10 interview.

11 Q. After that summons, did you go ahead — did I
12 provide you with a proffer letter?

13 A. Can you say that again, please?

14 Q. I'm sorry. Did you speak to the FBI and myself
15 under a proffer letter?

16 A. Yes. I met with you and Mr. Levine and Ms. Stacy.

17 Q. Did the Government make any promises to you with
18 that proffer letter?

19 A. The promises were as long as I would tell the
20 truth, the thing that I would tell would not be used
21 against me.

22 Q. Did Special Agent Diaz, Special Agent Macfarlane ask
23 you questions during this proffer session?

24 A. Mr. Macfarlane was not there.

25 Q. Special Agent Diaz asked you questions?

Mr. Valentin Danet - Cross

1 A. Yes, she did.

2 Q. Did you provide answers to those questions?

3 A. Yes, I did.

4 Q. How did you get here for this trial?

5 A. I was bought an airplane ticket by the U.S.
6 authorities office, and I arrived here.

7 Q. Has the Government provided you with a hotel room as
8 well as per diem, meal expenses?

9 A. Yes, it has provided me.

10 MR. McDONOUGH: No further questions, your
11 Honor.

12 THE COURT: Cross examination, Mr. Goldberg.

13 MR. GOLDBERG: Thank you, your Honor.

14 CROSS EXAMINATION

15 BY MR. GOLDBERG:

16 Q. Good afternoon.

17 A. Good afternoon.

18 Q. Mr. Danet, prior to getting called to go down to the
19 Romanian Organized Crime offices, had any police officer
20 or FBI agents spoken to you about Bayrob or anything
21 having to do with your brother's arrest?

22 A. No.

23 Q. Okay. So from September 28th or 29th, 2016, until
24 February 19th, six weeks ago, 2019, nobody asked you
25 anything, correct?

Mr. Valentin Danet - Cross

1 A. Correct, but —

2 Q. No law enforcement asked you anything about the
3 botnet or your brother or Mr. Nicolescu or anybody else,
4 correct?

5 A. No. But my brother —

6 Q. You answer my questions, and then if the Government
7 wants you to give more explanation, they will ask you.
8 Okay?

9 A. Sure.

10 Q. I will ask you questions, and some will be yes or
11 no. Answer yes or no if you can, or tell me you can't
12 answer yes or no.

13 A. Okay.

14 Q. So did any law enforcement come to your house after
15 September 28th, 2016, to pick up any computers or media
16 or antennas or anything you may have at your home?

17 A. No.

18 Q. Did — on the day of the arrest of your brother, you
19 were living in an apartment with your fiance?

20 A. Yes, and my child.

21 Q. And your child. How many children do you have?

22 A. One, sir.

23 Q. And you were actually online that morning selling
24 credit cards on the darknet, correct, dark web,
25 darknet?

Mr. Valentin Danet - Cross

1 A. Yes.

2 Q. Okay. And by the time you heard that your brother
3 had been arrested, you had stopped doing that?

4 A. Yes.

5 Q. Okay. Now, after you heard about the arrest for
6 your brother and no one ever came to question you, did
7 you keep the computers you were using to commit fraud
8 with, or did you get rid of them?

9 A. I did keep them for couple of months.

10 Q. Yeah. Did you erase them?

11 A. After couple of months, I destroyed them.

12 Q. And how did you destroy them?

13 A. By broken — by breaking them into little
14 pieces.

15 Q. So did you use a sledge hammer or put it in a bag
16 and slam them against the ground or against the wall?
17 How did you destroy the evidence in this case?

18 A. With a sledge hammer.

19 Q. That's a good thing to destroy evidence. It is more
20 effective than other ways.

21 MR. McDONOUGH: Objection.

22 THE COURT: Sustained.

23 BY MR. GOLDBERG:

24 Q. Did you ever destroy evidence by throwing it in the
25 river?

Mr. Valentin Danet - Cross

1 MR. McDONOUGH: Objection.

2 THE COURT: Sustained.

3 A. No.

4 Q. So you used a sledge hammer, and you destroyed your
5 cellphone?

6 A. Yes.

7 Q. You destroyed your laptop?

8 A. Yes.

9 Q. You destroyed your desktop?

10 A. I didn't own a desktop at that time.

11 Q. How many laptops?

12 A. One.

13 Q. How many thumb drives?

14 A. Hard drive.

15 Q. Hard drives first, let's start with that.

16 A. Two of them.

17 Q. And how big were they?

18 A. Laptop hard drives.

19 Q. They were just laptop hard drives?

20 A. Yes.

21 Q. Any external drives?

22 A. At that time, I did have before desktop hard drive I
23 was using as an external drive, but I think at that time
24 it was broken already.

25 Q. You didn't have to bash them into tiny bits, right?

Mr. Valentin Danet - Cross

1 A. I bashed everything related to this.

2 Q. And then, you had basically bits and pieces in a
3 bag?

4 A. Several bags.

5 Q. And then what did you do with them?

6 A. Throw them in several places.

7 Q. So you got rid of everything you had linking you to
8 the Bayrob Group, correct?

9 A. Physically, in my house.

10 Q. Let's talk about things physically in your
11 possession.

12 A. Yes.

13 Q. You got rid of everything?

14 A. Yes.

15 Q. So everything you testified here for the last four,
16 five hours, you don't personally have anything to back
17 that up, correct?

18 MR. McDONOUGH: Objection.

19 THE COURT: Sustained.

20 BY MR. GOLDBERG:

21 Q. You don't have anything to show proof of anything
22 you said in your personal possession?

23 A. I don't have.

24 Q. Because you destroyed it all?

25 A. Yes.

Mr. Valentin Danet - Cross

1 Q. Okay. So let's talk about your discussion with
2 the FBI that occurred last February, the first one,
3 right?

4 A. Yes.

5 Q. What day was that?

6 A. I don't remember the exact day.

7 Q. Okay. But it was in the middle of February?

8 A. Yes.

9 Q. And this was the first time anyone said, hey, come
10 down here, we want to talk to you about Bayrob or
11 Tiberiu?

12 A. Yes.

13 Q. Okay. And you indicated that these two FBI agents
14 were present at the police station, right?

15 A. Yes.

16 Q. You weren't expecting to see the FBI there, were
17 you?

18 A. I was expecting like 30 percent chance.

19 Q. Thirty percent chance.

20 A. Yes.

21 Q. And 70 percent chance just the Romanian National
22 Police?

23 A. Yes.

24 Q. Thirty percent chance of them and the FBI?

25 A. Yes.

Mr. Valentin Danet - Cross

1 Q. And you went to your lawyers's office first?

2 A. Yes.

3 Q. And it was the same Romanian lawyer that Tiberiu had
4 for his case?

5 A. Yes.

6 Q. So the same person that met with your brother,
7 counseled your brother as far as you know before he was
8 brought to Court and extradited to the United States, is
9 now the guy representing you when you go see the Romanian
10 National Police?

11 MR. McDONOUGH: Objection.

12 THE COURT: Overruled.

13 Q. Handing you Defendant's Exhibit G, do you recognize
14 that?

15 A. Yes.

16 Q. What are we looking at there?

17 A. Witness declaration, statement at the interview at
18 the Organized Crime Combat police.

19 Q. And whose name is on there?

20 A. It is my name.

21 Q. And it says February 19th. Is that the day you went
22 to speak with them?

23 A. Yes.

24 Q. And all this official looking stuff on top, what
25 does that say?

Mr. Valentin Danet - Cross

1 A. Romania Public Department, the prosecution office on
2 the high court of justice, direction of the investigating
3 organized crime and terrorism, central structure.

4 Q. Okay. And the rest is the address, right?

5 A. Yes.

6 Q. Okay. And does your signature appear on this page,
7 on the front page?

8 A. Yes.

9 Q. It does?

10 A. Yes.

11 Q. How about page 2?

12 A. Yes, it does.

13 Q. How about page 3?

14 A. Yes, it does.

15 Q. And do you see any FBI agents' names signatures on
16 this, too?

17 A. Yes. Mr. Ryan Macfarlane.

18 Q. How about the Romanian prosecutor?

19 A. The name is not to be seen, just the signature.

20 Q. And what about your lawyer?

21 A. It is too far away. My lawyer is not stated in
22 here.

23 Q. Okay. So I want to ask you some specific questions.
24 Can I use the Elmo, your Honor?

25 Let me ask another question. Is this

Mr. Valentin Danet - Cross

1 document a fair and accurate representation of the
2 document you signed on February 19th in Romania at the
3 police station?

4 A. It looks like a copy, yes.

5 Q. And your signature appears on each page?

6 A. Yes.

7 (Discussion held off the record.)

8 THE COURT: We have to take a break, ladies
9 and gentlemen. We will stand in recess.

10 (Recess had.)

11 THE COURT: Please be seated.

12 MR. GOLDBERG: Thank you, your Honor.

13 BY MR. GOLDBERG:

14 Q. Okay. Mr. Danet, do you see the screen in front of
15 you?

16 A. Yes.

17 Q. And is it showing Exhibit G, the one I just showed
18 you?

19 A. I don't know if that's G or Q.

20 Q. That's probably a Q. Let's call it Exhibit Q.

21 A. Okay.

22 Q. My handwriting, do you see it? That's what I just
23 showed you, correct?

24 A. That's right.

25 Q. Okay. And let's go down, and I am going to go

Mr. Valentin Danet - Cross

1 through this, and I want you to follow along. It has
2 your name at the top, correct?

3 A. Yes.

4 Q. And then what does the next line say?

5 A. This one?

6 Q. Yes.

7 A. My identity, Romanian identity document, number and
8 city.

9 Q. Okay. Let's go down a few more lines, and it has
10 your parents' names?

11 A. Yes.

12 Q. And below that, it indicates marital status,
13 correct?

14 A. Yes.

15 Q. And you are not married?

16 A. I am not.

17 Q. Okay. Indicates number of — does it — do you see
18 a school?

19 A. Says studies, university.

20 Q. Yeah.

21 A. Occupation or profession, engineer.

22 Q. Okay. All right. So going down a little bit
23 further, relationships.

24 Do you see where the heading is
25 "relationships," the English word is "relationships"?

Mr. Valentin Danet - Cross

1 A. About — I don't know what kind of relationship.

2 Q. Okay. Read the line where the arrow is now.

3 A. The previous — I don't know how it would translate
4 in English, previous to the state that I was in this
5 case.

6 Q. Well, does the translation "it has been brought to
7 my attention that I will provide testimony regarding" —
8 is that what it says, details regarding your criminal
9 activity?

10 A. I don't know where you read this.

11 Q. Okay. Let's go down a little bit further. Okay.

12 What's that first word beginning with
13 an R?

14 A. Report or — yeah, relationship between witness and
15 the subjects of the case or trial.

16 Q. Okay. And it says your brother, Tiberiu Danet?

17 A. It says I am the brother of Tiberiu Danet.

18 Q. Okay. So I am going to take you down to the next
19 page. I am going to read what has been provided to me as
20 a translation, and I want you to follow with your finger,
21 and I want you to stop me if the translation is not
22 correct. Okay?

23 A. Okay.

24 Q. All right. "Do you know the e-mail address" —

25 A. It is down a little, lower.

Mr. Valentin Danet - Cross

1 Q. Do you see that?

2 A. No. There is nothing there. It is more at the
3 bottom.

4 Q. Okay. I'm sorry.

5 "It has been brought to my attention" — put
6 your finger on that phrase — "it has been brought to my
7 attention the obligation of truthful testimony and the
8 punishment of perjury," and then "oath," where is the
9 word oath is?

10 A. Here. (Indicating.)

11 Q. Oath. What does that word mean to you?

12 A. That I taking the oath to state the truth.

13 Q. Okay. And it is an oath based on law or religion or
14 both?

15 Are you swearing to God you are telling the
16 truth?

17 A. It is based on both as far as I —

18 Q. Okay. And you spoke to your lawyer prior to taking
19 this oath, correct?

20 A. Yes. Yes, that's correct.

21 Q. And you told your lawyer everything you thought was
22 important about your case, right?

23 A. Yes.

24 Q. And you told him what you testified to here today,
25 right?

Mr. Valentin Danet - Cross

1 A. Can you say that again?

2 Q. Okay. Did you tell your lawyer that you were
3 involved in the Bayrob Group?

4 A. Yes.

5 Q. All right. But then, that same lawyer goes into the
6 police station with you —

7 A. Yes.

8 Q. — and let's you sign, "swear to tell the truth" —
9 put your finger on it — "I swear to tell the truth and
10 not hide or admit what I know so help me God"?

11 A. Yeah.

12 Q. Is that your signature underneath that?

13 A. Yes.

14 Q. Was your lawyer right there when you signed it?

15 A. Yes. It was on my left.

16 Q. Did he stop you?

17 A. No.

18 Q. He didn't want to take you aside and tell you don't
19 do that?

20 MR. McDONOUGH: Objection.

21 THE COURT: Sustained.

22 BY MR. GOLDBERG:

23 Q. Let's go to the next paragraph.

24 "Witness: I reserve the right not to make
25 any statements. My brother Danet Tiberiu was" —

Mr. Valentin Danet - Cross

1 A. I think that's below. I don't see this on the
2 screen maybe. Okay.

3 Q. All right. Shall I start with "I reserve"? Right?
4 "I reserve the right to make — not to make any
5 statements regarding my brother Danet Tiberiu who is a
6 Defendant of prosecution"?

7 A. He is a suspect, not —

8 Q. Okay. A suspect. All right. Here is a question:
9 What do you know about Bogdan Nicolescu,
10 right? That was a question they asked you?

11 A. Yes.

12 Q. And the answer was "I was in the same high school
13 class with Bogdan Nicolescu at the Tudor Vianu National
14 High School, Bucharest, 1996 to 2000, and after that, I
15 didn't keep in touch."

16 Was that your answer?

17 A. Yes.

18 Q. "I don't know if Bogdan Nicolescu was employed and
19 what his source of income was."

20 A. Yes.

21 Q. You are still under oath.

22 A. Yes, I am.

23 Q. "During high school, he, Bogdan Nicolescu, was
24 passionate about computer programming, and it was well
25 known by everybody what he was doing."

Mr. Valentin Danet - Cross

1 A. Yes.

2 Q. Okay. Next paragraph.

3 Question: Are you familiar with the
4 nickname obe or o-b-e?"

5 And you said "that's what Nicolescu was
6 called during high school."

7 A. Yes.

8 Q. Next question: "So do you know about Flueraș,
9 Marius Matei, Victor" — can you say the last name?

10 A. Constantinescu.

11 Q. "Valentin Dima, Catalin Dima"?

12 A. Yes.

13 Q. And then, your answer was "Flueraș was a car dealer,
14 but I don't remember how I met him. I have not heard the
15 other names."

16 "Do you know the phone numbers" — and there
17 is a couple of phone numbers —

18 A. Yes.

19 Q. — and did you answer that question?

20 A. Yes.

21 Q. And did you say you did not know them?

22 A. I said I did not know the first number, and I know
23 the second number.

24 Q. The second one was your personal one?

25 A. Yes.

Mr. Valentin Danet - Cross

1 Q. But in fact, the first one you did know,
2 correct?

3 A. I am not sure.

4 Q. Next paragraph. So do you know the e-mail
5 address?

6 A. Yes.

7 Q. All right. And then, there is a string of addresses
8 there?

9 A. Yes.

10 Q. And you said "I recognize Valee Danet @ gmail.com
11 and Valentin Danet gmail.com. I don't know the other
12 e-mail addresses or IDs."

13 A. Yes.

14 Q. You said that, right?

15 A. Yes.

16 Q. "Or Raul or Minolta," correct?

17 A. Yes.

18 Q. That was all a lie after you took an oath according
19 to you?

20 A. At the suggestion of my Romanian lawyer.

21 Q. He told you to lie?

22 A. He told me not to answer things about myself that
23 would allow the authorities to incriminate me.

24 Q. Okay. Well, then my question was, he told you to
25 lie?

Mr. Valentin Danet - Cross

1 MR. BROWN: Objection.

2 THE COURT: Sustained.

3 A. Told me to say —

4 THE COURT: One moment, sir. Next question.

5 THE WITNESS: Sorry.

6 BY MR. GOLDBERG:

7 Q. Next question was, "so do you know Radu Miclaus?"

8 Your answer "I know that Radu was passionate
9 about cars" —

10 A. You have to scroll down. I don't have it on my
11 screen. It is on the next page, I think.

12 Q. Do you know Radu Miclaus?

13 A. Yes.

14 Q. "I knew that Radu Miclaus was passionate about cars,
15 likes a TVA, anything that had an engine. I met him in
16 2000 through Bogdan Nicolescu. As far as I know, Radu
17 Miclaus was Bogdan Nicolescu's friend. I don't know
18 where Radu Miclaus worked or his source of income."

19 Next question: "How do you communicate with
20 the two named above?

21 "Only on the phone, maybe some e-mails with
22 Bogdan Nicolescu, but I don't remember exactly.

23 "What do you know about the cyber crimes
24 committed by Bogdan Nicolescu and Radu Miclaus?

25 "Absolutely nothing." Did your lawyer tell

Mr. Valentin Danet - Cross

1 you to say "absolutely nothing"?

2 MR. McDONOUGH: Objection.

3 THE COURT: Sustained.

4 BY MR. GOLDBERG:

5 Q. Why did you say "absolutely nothing"?

6 A. Because anything I would have said would have
7 connection to myself.

8 Q. Okay. So — the next question: "Are you willing to
9 voluntarily testify in the U.S.?"

10 "Yes. I agree to be present with the
11 condition of having my expenses paid, transport, and
12 lodging. This is the extent of my testimony based on my
13 recollection."

14 A. Yes.

15 Q. Correct?

16 A. Yes.

17 Q. And at the bottom, it does say that this statement
18 was video and audio taped?

19 A. Yes.

20 Q. Was it?

21 A. I believe so.

22 Q. And it says that your attorney — I think it is
23 Sylvia Fair was present at the signing?

24 A. Yes.

25 Q. So you went into the police station. The FBI is

Mr. Valentin Danet - Cross

1 standing there?

2 A. Yes.

3 Q. The investigators are standing there. Your lawyer
4 is there, and you took an oath, gave them a statement,
5 and it was all a lie, correct?

6 A. No.

7 Q. Okay. Well, the part about not knowing anybody, any
8 of the e-mails, that was a lie according to your
9 testimony today, correct?

10 A. My lawyer suggested that I wouldn't say anything
11 about me.

12 Q. But I am not asking about what your lawyer said now;
13 I am asking about what you did.

14 You took an oath, and you gave a statement I
15 don't know anything, right? I don't know anything about
16 any fraud, right?

17 A. Yeah. But that was a special case, and I can tell
18 you why.

19 Q. It was a special case where it was okay to lie?

20 A. No. It was between two jurisdictions. I mean, I
21 was in front of the Romanian police with the Romanian
22 lawyer and in front of the FBI with no U.S. lawyer.

23 Q. So it is okay to lie to the Romanian police?

24 A. It is not okay to lie. It is okay to use the right
25 of not being self-incriminating.

Mr. Valentin Danet - Cross

1 Q. Do you know the difference between not being
2 self-incriminating and lying?

3 MR. McDONOUGH: Objection.

4 THE COURT: Overruled.

5 BY MR. GOLDBERG:

6 Q. Do you know the difference?

7 A. I do know.

8 Q. Okay. Well, so what's the difference?

9 A. Lying is telling false statement.

10 Q. Okay. About anything, right? Not just about you,
11 about anything?

12 A. About anything that would draw back to me.

13 Q. Okay. All right.

14 So in your mind, it is okay to give
15 a false statement as long as — if it is to protect
16 yourself. That's what I am hearing you say. Am I
17 wrong?

18 A. Yes, you are wrong.

19 Q. Okay. All right. Can we agree with this: What you
20 said here today in your testimony is the opposite of what
21 you told the police on February 19th and the FBI,
22 correct?

23 A. No.

24 Q. Okay. All right. We can do this as long as you
25 want to.

Mr. Valentin Danet - Cross

1 MR. McDONOUGH: Objection.

2 THE COURT: Sustained.

3 BY MR. GOLDBERG:

4 Q. Did you say today that you knew all the e-mails that
5 you denied knowing in that statement sworn under oath to
6 the Romanian police?

7 A. Yes, I did say it differently today.

8 Q. You said it differently today?

9 A. Yes.

10 Q. Okay. So you are going — you were lying one of the
11 two times, right?

12 A. I didn't lie. I said at that time that I don't
13 remember, and it was at the suggestion of my lawyer.

14 Q. But you are saying today you do remember. Do you
15 not understand what I am saying?

16 A. I understand.

17 Q. Today you said, oh, I know all these e-mails, I know
18 all these guys, Bogdan is obe, and he is Master Fraud and
19 Radu is raduspr, but you told the police you didn't know
20 any of those people or the e-mails, right?

21 A. If I would have told them, the police that I knew
22 them —

23 Q. I am asking you yes or no. Tell me yes or no. I
24 don't want to hear the explanation. Yes, you lied, or
25 no, you didn't lie?

Mr. Valentin Danet - Cross

1 MR. McDONOUGH: Objection.

2 THE COURT: Overruled.

3 A. I did partly state the truth at that time.

4 Q. You said partially the truth?

5 A. Yes.

6 Q. You even lied about your moniker, right, Raul? You
7 said you didn't know who Raul was.

8 A. Yes, and this is what my lawyer advised me. He got
9 me out of the room —

10 Q. Either you said it or didn't. I know it is your
11 lawyer's fault that you are here.

12 A. It is not my lawyer's fault why I am here.

13 Q. So you even lied about knowing who Raul was when it
14 was you, right?

15 A. Yes, because you have there the United States lawyer
16 have the right to remain silent.

17 Q. I am not asking about United States lawyers. I will
18 ask you about him in a minute.

19 A. I am saying about United States law.

20 Q. Was anything about the questions you were asked by
21 the police confusing or you didn't understand?

22 A. No. It was confusing there were two authorities
23 present, and there was the U.S. authority present in
24 Romania and anything I would say in front of the Romanian
25 authorities would not, could not be used against me if I

Mr. Valentin Danet - Cross

1 was to be a suspect in the case.

2 Q. Okay.

3 A. But being with Mr. Macfarlane from the FBI
4 being there he could have used anything I have said
5 against me.

6 Q. So in order to avoid a problem, you just lied,
7 right?

8 A. No. In order to — to keep my right to remain
9 silent about self-incrimination.

10 Q. In order to keep your right to remain silent you
11 lied? I mean, that's what you just said.

12 Am I not communicating well, or am I not
13 understanding you? You just said in order to keep your
14 right to remain silent, you lied.

15 A. I didn't lie. I said I don't know.

16 Q. You said you didn't know things that you actually
17 knew according to you today. We can go on to something
18 else.

19 A. That's correct.

20 Q. Okay. You identified Mr. Nicolescu as obe from high
21 school, right?

22 A. Yes.

23 Q. He got that nickname in high school, right?

24 A. Yes.

25 Q. He didn't come to high school with that nickname?

Mr. Valentin Danet - Cross

1 It is a nickname somebody gave him in high school,
2 right?

3 A. As far as I know, yes.

4 Q. And it was not OBE, it was OB?

5 A. Yes.

6 Q. Why was it OB?

7 A. From Bogdan, from his name, the B, and I don't know
8 exactly why it was obe.

9 Q. You don't know why OB was his nickname. It had
10 nothing to do with some way to make fun of him?

11 A. Yes. It could have been that because he was a
12 company or product, a trademark of a company selling
13 women hygiene and stuff.

14 Q. So that was the nickname he had in high school,
15 OB?

16 A. Yes.

17 Q. It was not obe; it was just OB, right?

18 A. In Romanian is the same thing because adding an E to
19 the end would spell the same.

20 Q. Okay. All right.

21 MR. O'SHEA: Objection. Can I ask
22 Mr. Goldberg a question first, your Honor?

23 THE COURT: Certainly.

24 (Discussion held off the record.)

25

Mr. Valentin Danet - Cross

1 BY MR. GOLDBERG:

2 Q. So couple days after your interview with the police
3 and the FBI, you had another interview, correct?

4 A. Yes.

5 Q. Okay. And this time you had a lawyer from the
6 United States, right?

7 A. Yes.

8 Q. Did you have some of the lawyers from this table
9 there, too?

10 A. Yes. Mr. McDonough and Mr. Levine.

11 Q. Okay. And at that point, they had what's called a
12 proffer letter for you, and the United States lawyer
13 explained it to you, right?

14 A. Yes.

15 Q. And you realized at that point you wanted to make a
16 different statement?

17 A. Yes.

18 Q. Okay. And as a matter of fact, you went through a
19 bunch of material with them, and you actually told them
20 many monikers and e-mail addresses, right, for you?

21 A. Yes.

22 Q. Okay. It was not just Valentin balint. That was
23 not the only one you told them. You also identified
24 r a — R-A 101 Putin @ GMX?

25 A. Yes.

Mr. Valentin Danet - Cross

1 Q. R a 101 Putin @ Yahoo.com?

2 A. Yes.

3 Q. R a 101 Putin @ aol.com?

4 A. Yes.

5 Q. And r-a-d-o-b-b-s @ GMX.com?

6 A. Yes.

7 Q. So you had two GMX e-mails, correct?

8 A. Yes.

9 Q. And you gave your Jabber name?

10 A. Yes.

11 Q. You also identified someone by the name of Martor
12 Flueras?

13 A. Yes.

14 Q. All right. What was his e-mail address?

15 A. W — in the fraud thing w-t-w-x something at the
16 end.

17 Q. At GMX, right?

18 A. Yes.

19 Q. So you gave at least — for you two GMX e-mails and
20 then another person's GMX e-mails.

21 Let me ask you this: After the 29th of
22 September, did you ever log on to GMX again?

23 A. Never.

24 Q. Right. Did you ever log onto any control service
25 after that date?

Mr. Valentin Danet - Cross

1 A. It is possible just from the day of 30th, just one
2 day after. It is possible that I logged in just one day
3 after and then never again.

4 Q. But it is fair to say after your brother was
5 arrested, you didn't log on to the GMX e-mail
6 server?

7 A. Yes.

8 Q. An no one you know ever logged on to that GMX server
9 again, correct?

10 MR. McDONOUGH: Objection.

11 THE COURT: Sustained.

12 BY MR. GOLDBERG:

13 Q. Do you know of anybody that used the GMX server that
14 was involved in the Bayrob Group after the date of your
15 brother's arrest?

16 A. I don't know.

17 Q. All right. It is fair to say that once your brother
18 was arrested — let me put it this way:

19 Your brother, Mr. Miclaus, Mr. Nicolescu
20 weren't the only people involved according to you with
21 the Bayrob Group, right?

22 A. Yes, right.

23 Q. There was up to ten people is what your testimony
24 was today, right?

25 A. Up to ten people in that close, or there were more

Mr. Valentin Danet - Cross

1 because of the people that were cashing the Western
2 Union.

3 Q. So at least seven plus people that were involved
4 were not arrested, correct?

5 A. Seven was the total.

6 Q. That day. And as far as you know, you never
7 received or sent — received an e-mail from any of those
8 people that weren't arrested nor sent an e-mail to any of
9 those people who were not arrested from the GMX server
10 after the 29th of September?

11 A. Yes. I had never viewed that source again.

12 Q. And the servers were all taken down not by you,
13 correct?

14 A. Correct.

15 Q. But they were offline. Do you know how they came
16 offline?

17 A. No. I suspect by when — I know the Jabber server
18 was hosted by my father.

19 MR. McDONOUGH: Objection

20 THE COURT: One moment. Sustained.

21 BY MR. GOLDBERG:

22 Q. Well, do you know whether your brother was in a
23 position —

24 MR. McDONOUGH: Objection.

25 THE COURT: I'm sorry. Was there an

Mr. Valentin Danet - Cross

1 objection?

2 MR. McDONOUGH: Yes, your Honor.

3 BY MR. GOLDBERG:

4 Q. Do you know if your brother took down the
5 servers?

6 MR. McDONOUGH: Objection.

7 THE COURT: Overruled. Do you know, sir?

8 A. I can't know this directly.

9 THE COURT: Just yes or no.

10 THE WITNESS: No.

11 BY MR. GOLDBERG:

12 Q. That's because he was under arrest. They were
13 up when you went to sleep and down when you woke up,
14 right?

15 A. That's right.

16 Q. Now, you talked about the command servers, and
17 you said you could log on to the command servers,
18 correct?

19 A. Correct.

20 Q. And the command servers moved from machine to
21 machine different hosts, correct?

22 A. Yes, correct.

23 Q. And you always had log-in credentials as an
24 administrator for all of those machines, correct?

25 A. Correct.

Mr. Valentin Danet - Cross

1 Q. It was not that you could log into a particular work
2 space; you could log on and do whatever you needed to do
3 on the server?

4 A. Yes. I had access to the root password.

5 Q. And I am interested you talked about a lot of
6 different ways you communicated with other individuals in
7 the Bayrob Group.

8 It is safe to say that none of your end of
9 any communications still exist because you destroyed the
10 evidence, right, any Jabber messages or text messages,
11 right?

12 A. The accounts could be up on — for example, GMX or
13 Yahoo. At least I have no idea.

14 Q. But nothing on your end?

15 A. Exactly.

16 Q. Okay. And during the course of your communications
17 with your brother and with other individuals in the
18 Bayrob Group, did you ever use WhatsApp as a means of
19 communication?

20 A. No.

21 Q. All right. WhatsApp, there is a lot of other
22 platforms. WhatsApp was not one you used?

23 A. Yes. I didn't like WhatsApp.

24 Q. You didn't like WhatsApp because it is not
25 secure?

Mr. Valentin Danet - Cross

1 A. Yeah.

2 Q. And you used Jabber. Did you use Hangouts?

3 A. No.

4 Q. Hangouts is a gmail based chat?

5 A. I think it is to Google, but I never used it; had no
6 idea.

7 Q. Okay. But you used Jabber, and you used Jabber with
8 a server that was located at your brother's house?

9 A. Yes.

10 Q. Your brother at the time — let me ask you this:

11 Was the server a separate machine, or was it
12 contained within a computer tower?

13 A. Separate machine from his working machine, separate
14 desktop. He had two desktops. One was running the
15 Jabber server; one he was working on.

16 Q. So if I looked at the Jabber server, it would look
17 just like a tower server?

18 A. Yeah, desktop computer or tower.

19 Q. Okay. And your brother was the system administrator
20 for that machine, correct, for the Jabber server?

21 A. Yes, but anyone, the Jabber server was public, so
22 anyone — I could create myself the credential.

23 Q. You could create yourself? I'm sorry.

24 A. I could create myself the credential.

25 Q. You could create the credentials?

Mr. Valentin Danet - Cross

1 A. Yeah, myself.

2 Q. So anyone that could find that Jabber server could
3 create their own credentials and go on?

4 A. Yeah, but they would need to know the name of it.

5 Q. Right, of course. But if I knew the name — and
6 let's say I knew your credentials — I could log on under
7 your credentials?

8 A. You would need to know my password.

9 Q. I know you wouldn't give me your password, but if I
10 could get it, I could do that, right?

11 A. You could do this with every password.

12 Q. Exactly my point.

13 A. Everywhere.

14 Q. Now, your brother was the system administrator, so
15 he could actually go into that server and view log-on
16 credentials if he wanted to, correct?

17 A. I can't answer these questions. I believe those
18 credentials are encrypted in the Jabber server, so even
19 the administrator cannot see the passwords.

20 Q. If your brother said he could do it, you would take
21 his word for it?

22 A. Yeah, I have no idea about it.

23 Q. What about being able to download or make a copy
24 of the Jabber server? Is that possible with a hard
25 drive?

Mr. Valentin Danet - Cross

1 A. I don't know that.

2 Q. Okay. Fair enough.

3 Now, this apartment where your brother
4 lived, where Tiberiu lived, was your grandmother's
5 apartment and inherited by your mother and your brother
6 lived there?

7 A. Yes.

8 Q. Did you ever live in this apartment?

9 A. No.

10 Q. But your family had keys to the apartment,
11 correct?

12 A. Yes.

13 Q. Okay. So if you wanted to go in to that apartment
14 at any time, you could because you have a key?

15 A. I never — myself.

16 Q. Just — your family, your parents, or yourself
17 whoever your family gave a key to would have access to
18 it?

19 A. That's logical. We wouldn't go there without saying
20 to my brother. It is like violating his house.

21 Q. Your brother traveled a lot, right?

22 A. Yes.

23 Q. He liked to go out of the country on vacation or
24 ride bikes?

25 A. Yes.

Mr. Valentin Danet - Cross

1 Q. Or do some activity. And you would have to go to
2 his apartment every once in a while for various reasons,
3 not necessarily with this, but you had a key to the
4 apartment?

5 A. I didn't have. My parents.

6 Q. Your parents had. Okay.

7 So how long did Tiberiu live in that
8 apartment?

9 A. I can't say exactly but more than three years.

10 Q. Three years. Okay. So 2016, 2013. Up to 2013, was
11 he still living with your parents?

12 A. No. He was living in a rented apartment.

13 Q. Rented apartment. You indicated that you shared a
14 room with him, correct?

15 A. In my parents' house, yes.

16 Q. How long did you share a room with Tiberiu at your
17 parents' house?

18 A. Since he was born until I moved away and in 2006 and
19 rented an apartment.

20 Q. Okay. So up to 2006, you shared a room with him at
21 your parents' house, correct?

22 A. Yes. We shared one room where we slept and one room
23 where we had our school desks.

24 Q. Okay. And you had one computer between the two of
25 you, the Gateway that your father bought.

Mr. Valentin Danet - Cross

1 A. At first, yes. And then we had — there was a time
2 when we shared a computer, and after that, I believe
3 everyone had some computer.

4 Q. How long did you and your brother share a room?
5 Always?

6 A. Yes, always.

7 Q. Always. He never had a separate room at your
8 parents' home with you until you moved out?

9 A. Yes.

10 Q. And you indicated in 2006 you are sorry to say or
11 2005 — and you correct me if I am wrong — you brought
12 your brother into the eBay fraud?

13 A. Yes.

14 Q. Okay. Do you feel guilty about that?

15 A. Yes.

16 Q. You feel responsible for him doing nine to twelve
17 years in prison?

18 A. Yes, I do.

19 Q. You would like to help him out in any way you can,
20 right?

21 A. I don't think it is possible I can help him out.

22 Q. Don't you feel coming 5, 6,000 miles testifying for
23 the Government in the case where your brother has become
24 a witness is helping him?

25 A. I can't say that. I don't have that information.

Mr. Valentin Danet - Cross

1 Q. And have you talked to him on the phone — I think
2 you said the last time you talked to him or saw him was
3 before he was taken to the United States?

4 A. The last time I saw him I talked to him on the phone
5 after that.

6 Q. You have been talking to him on the phone since he
7 has been here, correct?

8 A. Yes.

9 Q. And he tells you about this case?

10 MR. McDONOUGH: Objection.

11 A. No.

12 Q. You don't —

13 THE COURT: Overruled.

14 Q. You don't talk about the case at all?

15 A. I never wanted to talk about the case because I was
16 involved as well, and the conversations were being taped?

17 So I only discussed with him about the
18 weather, about my son's surgery, about the surgery I had
19 on the knee, about what he was eating, about what
20 happened in there.

21 Q. What about writing letters? Did you exchange
22 letters?

23 A. My father exchanged letters with him, and he also
24 told me about the thing that he told me about the case.
25 He called me in October 2018, and he called —

Mr. Valentin Danet - Cross

1 Q. Last October?

2 A. Yeah. And he told me that the U.S. prosecutor wants
3 to talk to me about the case.

4 Q. Let me stop you there:

5 When you heard that, did you call the U.S.
6 prosecutor?

7 A. My brother told me if I give him permission to give
8 my number, my telephone number to the U.S. prosecutor, so
9 I said yes. I gave my numbers.

10 He already knew it, but I gave it to him,
11 and I told him, yes, I am available to be called, and I
12 was waiting for a call but never received it until that
13 — sometime in February.

14 Q. So as far as you know, the U.S. Attorney's Office
15 had your number since October of 2018, but you didn't
16 receive a call until February 2019, about four weeks
17 before we started this trial?

18 MR. McDONOUGH: Objection. May we approach?

19 THE COURT: You may.

20 (Side bar held on the record.)

21 MR. McDONOUGH: Your Honor, the Government's
22 objection was based on the legal procedure, the M-IAT
23 process that will be required to go ahead and contact the
24 foreign witness, and so that was the objection at this
25 point.

Mr. Valentin Danet - Cross

1 There are certain procedures that the U.S.
2 Government has before they can actually secure testimony,
3 so the time period had to be set up.

4 THE COURT: Let me ask you this: Tell me
5 when the Government first put that process in motion.

6 MR. McDONOUGH: Definitely months before,
7 your Honor.

8 THE COURT: All right. Then, it is not —

9 MR. GOLDBERG: I can ask another question.

10 THE COURT: Perfect.

11 (Side bar concluded.)

12 BY MR. GOLDBERG:

13 Q. Did you have any contact since your brother has been
14 here with his attorneys in America?

15 A. Yes, I did.

16 Q. Okay.

17 A. Have.

18 Q. And they weren't your attorneys; they were his
19 attorneys, and they called you for information?

20 A. No. I had avoided to speak with them. I only give
21 gave them details like the indictment. At first, they
22 could be hired. I remember I called you.

23 Q. You called me?

24 A. Yeah.

25 Q. Didn't pick me, though. You picked a different

Mr. Valentin Danet - Cross

1 lawyer?

2 A. Through a random choice I would say.

3 Q. But besides that, since you hired a lawyer for your
4 brother — you hired a lawyer for your procedure?

5 A. My father hired him, but I spent two months in
6 exchanging e-mails and telephone conversations to find a
7 lawyer.

8 Q. All right. And since the lawyer was retained, have
9 you talked to the lawyer — actually, there were two
10 lawyers eventually, right?

11 A. I only know about the first one. The second one I
12 know that my brother —

13 MR. McDONOUGH: Objection.

14 THE COURT: Sustained.

15 BY MR. GOLDBERG:

16 Q. So did you talk to either one of his lawyers in the
17 past two years, two and-a-half years?

18 A. Yes, I talked.

19 Q. Because you want to know what's going on with the
20 case, right?

21 A. No.

22 Q. Well, you talked — did you talk to him about the
23 case, or was it just about business?

24 A. Just about the business related things of the
25 case.

Mr. Valentin Danet - Cross

1 Q. Okay. Of the case.

2 So I want the know about whether you talked
3 with the lawyers about the evidence in the case.

4 A. Never.

5 Q. All right. Just about the business of having a
6 lawyer?

7 A. Yes.

8 Q. Okay. All right. So back in 2005 or '6, you were
9 sharing a room with Tiberiu, and you introduced him to
10 the Bayrob Group?

11 A. Yes.

12 Q. Correct. And had you not done that — well, let me
13 withdraw that.

14 At that time, your brother was working,
15 right, he wasn't making a lot of money?

16 A. Yes.

17 Q. But he had a Ph.D. I'm sorry. He had a Master's
18 Degree?

19 A. Yes.

20 Q. In computer science?

21 A. Yes.

22 Q. And you had an undergrad degree, regular Bachelor's
23 Degree, what we would call it here in computer science
24 or —

25 A. I had a Master's, had a Master's Degree in

Mr. Valentin Danet - Cross

1 engineering.

2 Q. Master's Degree in what —

3 A. Electrical engineering.

4 Q. Is that applicable to computers computing, computers
5 or computing?

6 A. Can be, but it is mostly about electronics and
7 hardware.

8 Q. So between the two of you, you had two advanced
9 degrees, correct? You had an advanced degree, and your
10 brother had an advanced degree?

11 A. Yes, correct.

12 Q. And Mr. Nicolescu you said dropped out of college
13 after one year, right?

14 A. Yes. This is what he shared with me.

15 Q. As far as you knew, it was true, right?

16 A. Yes.

17 Q. I am going to share a couple pictures with you, and
18 I am going to move this again.

19 MR. GOLDBERG: I guess we will show this
20 just to the witness. Can you set this up for the
21 witness, your Honor?

22 THE COURT: Yes.

23 MR. McDONOUGH: The Government has no
24 objection.

25 MR. GOLDBERG: This is Defendant's Exhibit

Mr. Valentin Danet - Cross

1 T.

2 THE COURT: So I can show this to the
3 jurors, Mr. Goldberg?

4 MR. GOLDBERG: Yes.

5 BY MR. GOLDBERG:

6 Q. Mr. Danet, do you recognize the person in this
7 picture?

8 A. No.

9 Q. That's a no?

10 A. No.

11 Q. Okay. I am going to show you what I have marked as
12 Defendant's Exhibit B. Do you recognize that person?

13 A. I am not sure. That picture is grainy.

14 Q. Maybe I can help you. Let me ask you this: Is this
15 Bogdan Antonovici?

16 A. By his face, he could be. When I saw him last time,
17 he was a lot thinner.

18 Q. But you can't identify him from this picture?

19 A. It looks like him in the face, but he had more
20 muscles than in the time I saw him.

21 Q. Okay. I will show you what I have marked as
22 Defendant's Exhibit C. Do you recognize this
23 individual?

24 A. Yes, I recognize him.

25 Q. Who is that?

Mr. Valentin Danet - Cross

1 A. He is a colleague of mine since high school.

2 Q. Okay. What's his name?

3 A. Since elementary school, before high school, first
4 grade.

5 Q. And what's his name?

6 A. Ionescu Razvan.

7 Q. Spell the last name, please.

8 A. I-o-n-e-s-c-u.

9 Q. Okay. Was he an associate of Mr. Antonovici?

10 A. No, he wasn't.

11 Q. Do you know what his e-mail address was?

12 A. No. I don't know his e-mail.

13 Q. Is he one of the seven or ten people that were
14 involved in the Bayrob Group?

15 A. He was involved, yes.

16 Q. Do you know whether he has been prosecuted?

17 A. No. He hasn't been prosecuted.

18 Q. Where does he live now?

19 A. In Bucharest, Romania.

20 Q. Do you stay in touch with him?

21 A. Yes, I did.

22 Q. All right. You have talked about bitcoin at the end
23 of your testimony.

24 A. Yes.

25 Q. Bitcoin is a cryptocurrency that is stored

Mr. Valentin Danet - Cross

1 digitally, correct?

2 A. I don't know the exact details about it, but,
3 yes.

4 Q. Okay. So — but if you had — you talked about a
5 wallet.

6 A. Yes.

7 Q. About currency going into a wallet. Okay?

8 A. Yes.

9 Q. How is a wallet shared with somebody else? Do you
10 know that?

11 A. By sharing the wallet address, you input money in
12 that wallet, and for withdrawing, I don't recall.

13 Q. Okay. Well, do you know whether bitcoin needs to be
14 stored on a particular machine or whether it could be
15 stored on the internet on a server somewhere?

16 A. Could be stored anywhere.

17 Q. Right. Could be stored anywhere, and as long as you
18 knew where and had the ID, the log-in ID and password,
19 you could access the bitcoin, correct?

20 A. Yes, correct.

21 Q. And do you personally right now own bitcoin?

22 A. No.

23 Q. You know your brother had a stash of bitcoin,
24 right?

25 MR. McDONOUGH: Objection.

Mr. Valentin Danet - Cross

1 THE COURT: Sustained.

2 BY MR. GOLDBERG:

3 Q. Do you know whether your brother had a stash of
4 bitcoin?

5 A. Sustain means I can answer?

6 Q. Answer my question:

7 Do you know whether your brother had a stash
8 of bitcoin when he was arrested?

9 A. During 2016, I know that my brother accumulated some
10 bitcoin.

11 Q. I'm sorry, what?

12 A. He accumulated —

13 Q. Accumulated bitcoin?

14 A. Yes.

15 Q. And did he transfer that bitcoin to you?

16 A. I didn't ever see his bitcoins, and I didn't know
17 how much he had.

18 Q. Do you know where he kept it?

19 A. He never shared this info with me.

20 MR. GOLDBERG: Can I have one moment, your
21 Honor?

22 THE COURT: Of course.

23 (Pause.)

24 BY MR. GOLDBERG:

25 Q. You said at some point your brother opened some kind

Mr. Valentin Danet - Cross

1 of company?

2 A. Yes.

3 Q. What kind of company was this?

4 A. Company, software company.

5 Q. Software company.

6 And during that time — well, let me ask you
7 this: Did you work in the company with him?

8 A. Yes.

9 Q. And did you have contracts? Did you have
10 customers?

11 A. Yes.

12 Q. Yeah. Who were your customers?

13 A. Bogdan Nicolescu's father.

14 Q. Okay. Besides him anyone else?

15 A. I don't know of anyone else.

16 Q. So during the course of this time where this company
17 was established, you had one customer, and that was
18 Mr. Nicolescu's father?

19 A. Or his father's company.

20 Q. His father's company. Okay.

21 And did you get paid for your services by
22 the company?

23 A. What do you mean?

24 Q. Did you get a check?

25 A. No.

Mr. Valentin Danet - Cross

1 Q. During the course of your involvement, you said that
2 you took in a good deal of money, and you spent it on
3 cars and rent and things like that, right?

4 A. Yeah, I only spent.

5 Q. How much of the money did you give to your parents
6 to deposit in their bank accounts?

7 A. I didn't give them any money to deposit in the bank
8 account.

9 Q. So as part of your agreement to come here today, did
10 you agree to give up any of the money that you realized
11 from being involved in the Bayrob Group?

12 A. Can you repeat?

13 Q. Yeah. Did you agree to give up any money?

14 A. No.

15 Q. I mean, put it this way: You admitted to a whole
16 bunch of crime here today, right?

17 A. Yes, I did.

18 Q. And you don't know whether you are going to be
19 prosecuted or not. You are hoping you don't get
20 prosecuted.

21 A. That's right.

22 Q. You hope to get on a plane tonight or tomorrow and
23 go back to Romania and never come back, right?

24 A. I hope I get on the plane. I have no idea if I
25 going to come back or not.

Mr. Valentin Danet - Cross

1 Q. But you know whatever money you realized from your
2 criminal activity you are never going to have to come
3 back, right? You are never going to have to give that
4 back?

5 A. That money is gone anyway.

6 Q. You get to keep it, right? You don't have to — let
7 me ask you this: In Romania, is it legal to steal?

8 A. No.

9 Q. And if you steal something and get caught, do
10 you have to give the money back or give the property
11 back?

12 A. I presume so.

13 Q. Okay. But you have been stealing since you were in
14 high school, right?

15 A. With different years, yes. With year, couple of
16 years.

17 Q. With a couple of years not stealing?

18 A. Yes.

19 Q. You were in high school from '96 to 2000, so
20 sometime in those years up until 2016, you were a thief,
21 right, with a couple years of time off?

22 A. With several years off, yes.

23 Q. Okay. So conservatively 12, 14 years of being a
24 thief, right?

25 A. 2000, 1996, then 2006, 2007, 2008, so that would be

Mr. Valentin Danet - Cross

1 four years, like 2010 again. 2009, I don't remember
2 exactly.

3 Q. Okay.

4 A. An then 2012 and 2013, and then I was involved
5 in the other fraud scheme from end of 2014 until the
6 arrest.

7 Q. All those years of being a thief, you are not going
8 to have to give back a penny, right?

9 A. As far as I know now, no.

10 Q. And as far as you know now, you have not been
11 prosecuted for anything, right?

12 A. At the moment, no.

13 Q. And for all those years, as Mr. McDonough asked, you
14 were a criminal and a liar, right?

15 A. I was, yes.

16 Q. All the way up and through the 19th of February, six
17 weeks ago, right?

18 MR. McDONOUGH: Objection.

19 THE COURT: Overruled.

20 A. Up until the arrests were made.

21 Q. I'm sorry?

22 A. Up until the arrests were made in 2016.

23 Q. Well, then you stopped lying after that?

24 A. Yes.

25 Q. Until the police started asking you questions in

Mr. Valentin Danet - Cross

1 February?

2 A. Until the — not the police asking questions; it was
3 — I don't say yes, because I consider it was different
4 jurisdiction asking me questions.

5 Q. Listen, I am not going to go back through that
6 stuff.

7 But you don't consider it a lie what you did
8 in the police station on February 19th?

9 MR. McDONOUGH: Objection.

10 THE COURT: Overruled. Correct or not, sir?

11 A. I consider it partially a lie, but not a lie
12 because —

13 Q. That's okay. I am going to ask you another
14 question.

15 MR. GOLDBERG: Is this a good time for a
16 break, your Honor?

17 THE COURT: Sure. Folks, remember the
18 admonition.

19 All rise for the jury.

20 (Recess had.)

21 THE COURT: Please be seated.

22 Mr. Goldberg?

23 MR. GOLDBERG: Thank you.

24 BY MR. GOLDBERG:

25 Q. Mr. Danet, you testified earlier that it was your

Mr. Valentin Danet - Cross

1 job to engage eBay buyers, to get them to pay the money
2 by talking to them or e-mailing them, correct?

3 A. Yes.

4 Q. And you did that through a chat function?

5 A. Yes.

6 Q. So they would think they are calling eBay, but they
7 are calling you, and actually, you are engaging in a
8 customer service chat?

9 A. Yes.

10 Q. Posing as eBay?

11 A. Yes.

12 Q. And if I could direct your attention to the
13 Government's exhibit previously admitted 1741, page 23,
14 we just saw it during your direct —

15 MR. McDONOUGH: May we have the Government's
16 back table, your Honor?

17 THE COURT: Sure, sure.

18 BY MR. GOLDBERG:

19 Q. We went over this just a few minutes ago or couple
20 hours ago, I guess, during your direct testimony,
21 correct?

22 A. Yes.

23 Q. All of these transactions involved persons who you
24 interacted with posing as eBay, correct?

25 A. Posing —

Mr. Valentin Danet - Cross

1 Q. Each one of these transactions with regard to the
2 victims —

3 A. Yes.

4 Q. — you interacted with them posing as eBay?

5 A. Both as eBay and as the seller.

6 Q. As eBay and the seller. So if you interacted
7 with them as a seller and they had a problem with you,
8 then they would go to eBay chat, and that would be you,
9 too?

10 A. That's right.

11 Q. Okay. And same with regard to money mules that you
12 pointed out here, you interacted with each of those money
13 mules through texts and e-mails as well, correct?

14 A. Yes.

15 Q. All right. So Exhibit 1741 page 23 — and I guess
16 page 24, the table goes on to the next page —

17 A. Yes.

18 Q. — that represents your work?

19 A. Yes.

20 Q. Okay. So you talked about Donna Wolfe. You
21 remember Donna Wolfe?

22 A. I remember the name.

23 Q. Okay. And isn't it true while talking to Donna
24 Wolfe and recruiting her as a money mule you used the
25 name Martin Kleinman, an e-mail address?

Mr. Valentin Danet - Cross

1 A. I don't remember the exact name I used for Donna
2 Wolfe, but I did use the name Martin Kleinman to recruit
3 mules.

4 Q. And that was an e-mail that you used specifically?

5 A. No. Everybody of us used —

6 Q. Well, you shared an e-mail account.

7 A. The account for recruiting the mules, yes.

8 Q. Okay. You shared it. What about Klenemen Donath?

9 A. Yes.

10 Q. That was you, correct?

11 A. At first, that was Nicolescu and then he transferred
12 the administering to me.

13 Q. Now, you say it is Nicolescu, but you don't have any
14 paperwork or evidence that you brought with you to show
15 it was Nicolescu, right? You are just saying it is
16 Nicolescu.

17 A. Yes.

18 Q. Okay. But when we look at Government's Exhibit 2253
19 — if you could put that up for me, please — 2253 is an
20 e-mail from Kelemen Donath, to a particular number and
21 Ms. Wolf has been in here and said she received these by
22 text messages, and the date is June 25th, 2013.

23 Does that fit within the time frame of your
24 spreadsheet?

25 A. Yes.

Mr. Valentin Danet - Cross

1 Q. Is it safe for me to assume that all the e-mails in
2 June and July between Kelemen Donath and Donna Wolfe were
3 actually between you and Donna Wolfe, and this Exhibit is
4 95 pages of conversation. Is it safe to assume these are
5 all you?

6 A. I haven't seen this exhibit. I haven't seen it.

7 Q. Here, I will show it to you. Take a look at it.

8 (Pause.)

9 A. Most of them, it is me that had sent them.

10 Q. I'm sorry?

11 A. Most of them, it is me that had sent them. It
12 could be possible that some of them were sent by my
13 Nicolescu or my brother.

14 Q. I know it is possible. Some are possible, I could
15 have sent some of them, too?

16 MR. McDONOUGH: Objection.

17 THE COURT: Sustained.

18 BY MR. GOLDBERG:

19 Q. It is possible your brother sent some of them,
20 correct?

21 A. Yes. He have —

22 Q. It is possible any of the people you identified
23 could have sent them, right?

24 A. No.

25 Q. They all are between the dates of June 17th and

Mr. Valentin Danet - Cross Cont'd

1 August 19th of 2013, correct?

2 A. Correct.

3 Q. And those are the dates on your exhibit here,
4 Government's Exhibit 1741?

5 A. Correct.

6 Q. And you said you are the one that handled the mules
7 and one that handled the victims?

8 A. Correct.

9 Q. And when you sent this e-mail out, you didn't send
10 it to Master Fraud. You didn't send it to Bogdan at BMW
11 or whatever else; you sent it to amightysa, and that's
12 it, right?

13 A. That e-mail there, yes, but I sent —

14 Q. Hold on. This e-mail that the Government showed you
15 that contained that spreadsheet was from you to
16 amightysa, right?

17 A. Yes.

18 Q. And that's your little brother, Tiberiu?

19 A. Yes.

20 MR. GOLDBERG: Nothing further.

21 THE COURT: Cross examination, Mr. O'Shea.

22 MR. O'SHEA: Thank you, your Honor.

23 CROSS EXAMINATION CONTINUED

24 BY MR. O'SHEA:

25 Q. Good afternoon, sir.

Mr. Valentin Danet - Cross Cont'd

1 A. Good afternoon, sir.

2 Q. Did I hear the prosecutor say as the first questions
3 to you when you sat down on direct examination, sir, that
4 you you are a criminal. Did he say that to you?

5 A. Yes, he did say.

6 Q. And you said yes, right?

7 A. Yes, I do say so now.

8 Q. And he followed it up with another question. You
9 said you are a liar.

10 Do you remember he said that?

11 A. Yes, he said, sir.

12 Q. And you said, yes. Am I right about that?

13 A. Yes, you are right.

14 Q. Okay. Now, I think Mr. Goldberg asked you a little
15 bit about this, but the money that you made \$200,000 to
16 \$300,000 U.S. money, right?

17 A. Yes.

18 Q. You correct me if I am wrong, \$200,000 in Romania
19 might take you a lot further than \$200,000 here in
20 America, true?

21 A. Yes.

22 Q. Okay. So using that optic, you made by victimizing
23 people \$200 to \$300,000. Am I right?

24 A. You are right.

25 Q. Where is the money?

Mr. Valentin Danet - Cross Cont'd

1 A. During those years, I had spent a lot of that
2 money.

3 Q. I heard "this money," that you said a lot of
4 that money, but you did not say all of the money, did
5 you?

6 A. Yes. Following the two years after the arrests, I
7 also went when my son was born, I had a lot more
8 expenses, especially with surgeries, and so all the money
9 was spent.

10 Q. Okay. But just a moment ago you said "most of it,"
11 and you just a few seconds after that said now I spent
12 all of it after I confronted you with that. Am I
13 right?

14 A. Yes. I have spent a lot until 2016.

15 Q. Okay. Now, what plans, tell us, do you have to pay
16 it back?

17 A. I didn't get that. Can you say that again,
18 please?

19 Q. You have no plans to pay it back, do you, sir?

20 A. If I had from where to pay it back, I would pay
21 back, but I don't have.

22 Q. At 3:46 p.m. on April 5th, 2019, in a United
23 States courtroom, as you sit here right now, you have
24 no plans whatsoever to pay any of it back. Am I
25 right?

Mr. Valentin Danet - Cross Cont'd

1 MR. McDONOUGH: Objection.

2 THE COURT: Overruled.

3 A. I don't have the money to pay it back.

4 Q. I will take that as yes.

5 Now, tell the ladies and gentlemen of the
6 jury when you paid Romanian income taxes on that \$2 to
7 \$300,000 you took from victims.

8 A. I never paid.

9 Q. What plans do you have, if any, whatsoever as you
10 sit here in this courtroom to pay any income taxes on
11 that money?

12 A. On that money, I think it is impossible to pay
13 income tax.

14 Q. Okay. Now, on a more serious note, sir, you have a
15 family, do you not?

16 A. Yes, I do have.

17 Q. I apologize. I did not hear you. Are you married,
18 sir?

19 A. I am not married, but I am with the same fiance
20 since 2006.

21 Q. Okay. So you have been engaged since 2006 to the
22 present day, and I hear you have a child. Am I right
23 about that, sir?

24 A. That's right.

25 Q. And your family is very important to you. Am I

Mr. Valentin Danet - Cross Cont'd

1 right, sir?

2 A. It is, yes.

3 Q. Nothing could be more important to you. Am I right
4 about that?

5 A. Yes. At this time, my child is the most important
6 to me.

7 Q. Understood. Did you hear questions asked of you by
8 Mr. Goldberg on cross examination about a thing called an
9 oath?

10 A. I did hear that, yes.

11 Q. And I think the Romanian term is juramant. Am I
12 saying that right?

13 A. Yes.

14 Q. And on that document he showed you, you took a
15 juramant to tell the truth, right?

16 A. Right. But it was in front of two separate
17 authorities.

18 Q. Okay. Is a juramant — well, strike that.

19 Let me ask you this:

20 Is an oath in the Romania the same as an
21 oath in a United States courtroom?

22 A. Yes, it is.

23 Q. Okay. And the first time you made a statement under
24 oath, you had no deal at all, right?

25 A. That's right.

Mr. Valentin Danet - Cross Cont'd

1 Q. But the second time you made an statement not under
2 oath to the FBI in your country, you had sort of a deal
3 in mind, and you had another lawyer, right?

4 MR. McDONOUGH: Objection.

5 THE COURT: Sustained.

6 BY MR. O'SHEA:

7 Q. Did I hear you correctly, sir, that you have been
8 trained in computer science?

9 A. Yes, in high school.

10 Q. In high school. And did you write code when you
11 were in high school?

12 A. Yes, I did.

13 Q. Am I right that if you write one character wrong in
14 a code the program won't work?

15 A. That's correct.

16 Q. Now, do you remember being interviewed by the FBI a
17 second time that we just talked about in February of
18 2019, this year? Do you remember that?

19 A. It was the second time, although it was in the
20 presence of the two U.S. authorities —

21 Q. Right.

22 A. — that I was interviewed.

23 Q. And a lawyer from America, right?

24 A. That's right.

25 Q. Okay. Did you tell the folks interviewing you at

Mr. Valentin Danet - Cross Cont'd

1 that time that 60 to 70 percent of kids in your high
2 school in Romania were involved in cyber crime. Did you
3 tell them that?

4 A. Yes.

5 Q. Is that true?

6 A. In my classroom, not in the high school. Yes, this
7 is true.

8 Q. How many people were in your high school?

9 A. Like I said earlier, 30 times 9 times 4.

10 Q. What's the number? You are the computer guy, how
11 many?

12 A. 1,080 should be like this if I am not — if I done
13 the calculations right.

14 Q. Okay. So 60 to 70 percent of those people are
15 involved in high school in cyber crime?

16 A. No. Sixty percent of the 30 plus people that were
17 in my exact classroom. I didn't have connections to
18 people from other classrooms other than the people I knew
19 from before.

20 Q. Okay. And as I understand it, as a result of the
21 money that you stole from all these people, you were able
22 to buy three cars, a Mercedes, a BMW, and another BMW.

23 Am I right about that?

24 A. You are right. The first two were value cars.

25 Q. Okay. Now, do you remember being shown this exhibit

Mr. Valentin Danet - Cross Cont'd

1 1415, which was the router?

2 A. Yes.

3 MR. O'SHEA: May I approach, Judge?

4 THE COURT: Certainly.

5 BY MR. O'SHEA:

6 Q. Sir, prior to coming into this United States
7 courtroom and taking an oath, had you ever seen this
8 before?

9 A. I am not sure if it was exactly this, but I had seen
10 something similar.

11 Q. How about this exact thing marked as Exhibit 1415,
12 had you ever seen it before?

13 Do you want to look at it closer? This
14 exact device, had you ever seen it before?

15 A. If you see two books that are the same, can you tell
16 if you saw one or the other.

17 Q. Okay. So the answer is I don't know. I am not
18 sure. Is that the answer?

19 A. The answer is, I have seen something identical that
20 could have been this, or it could have been some other
21 identical because I was using one. My brother was using
22 one. Nicolescu was using one.

23 Q. Okay. Here is my question. Listen to my question.

24 A. Sure.

25 Q. This particular device, is it true that you aren't

Mr. Valentin Danet - Cross Cont'd

1 sure that you ever seen this particular device
2 before?

3 A. I can't tell if this was this particular device or
4 not.

5 Q. It is a yes or no question, sir, but I will move
6 on.

7 Sir, did any part of your numerous schemes
8 or frauds as the prosecutor referred to them involve
9 taking or using user names and passwords?

10 A. Yes, a lot of them.

11 Q. A lot of them. Okay.

12 Now, let me ask you, sir — and I am almost
13 done — let me direct it to the day that all of these
14 arrests occurred.

15 I believe it was in September of 2016. Do
16 you remember that day, don't you?

17 A. I sure do.

18 Q. Okay. You sure do, not just you do; you had that
19 word "sure" in there.

20 A. Yes.

21 Q. You remember that because your father called you on
22 the phone. Am I right?

23 A. Yes.

24 Q. Okay. Your father wasn't involved with any of these
25 schemes. Am I right?

Mr. Valentin Danet - Cross Cont'd

1 A. Yes, he wasn't.

2 Q. He was?

3 A. He was not.

4 Q. He was not. Thank you.

5 Even though your father wasn't involved
6 with any of these schemes that you testified about,
7 he nevertheless, he already knew about an arrest,
8 right?

9 A. Yes. My brother's fiance that was living with my
10 brother called my father to tell that at 6:00 p.m. in the
11 morning like the masked people got into the house.

12 Q. It was quite the talk in the family, wasn't it?

13 A. Of course, it was.

14 Q. And all of your friends and family knew about the
15 arrest. Am I right, sir?

16 MR. McDONOUGH: Objection.

17 THE COURT: Sustained.

18 BY MR. O'SHEA:

19 Q. Did your father tell you how he had heard about the
20 arrest?

21 A. Yes.

22 Q. How did he hear about it?

23 A. From my brother's fiance.

24 Q. And do you have any idea, as you sit there — and
25 if you don't know, you don't know — how she heard about

Mr. Valentin Danet - Cross Cont'd

1 it?

2 A. She was in the house when the arrests were made.

3 Q. At the time your dad was on the phone with you
4 telling you about the arrest, the servers were working?

5 A. Which servers?

6 Q. The servers that you testified about.

7 A. I don't know if they were working. Which servers
8 you mean?

9 Q. The servers you were using to do these schemes.

10 A. I don't know if they were working or not when my
11 father called me. I know they didn't work when I logged
12 in, and I saw later they don't work.

13 Q. Okay. Now, while you were in high school and
14 getting ready to take a test for computer class, did you
15 study for those tests?

16 A. Sure.

17 Q. Okay. And you had to study long because there is
18 much to know and much to be able to remember for purposes
19 of the test, right?

20 A. Sure.

21 Q. Okay. Now, did you prepare, sir, for the testimony
22 that you gave in this United States courtroom?

23 A. What do you mean by "preparing"?

24 Q. Did you have a conversation with a human being
25 before you sat here in this United States courtroom to

Mr. Valentin Danet - Cross Cont'd

1 talk about your testimony?

2 A. Yes, with the U.S. authorities.

3 Q. Right. And did they — when they were preparing you
4 for this testimony, did they show you the exhibits they
5 showed you here?

6 A. Yes. They showed briefly some exhibits, but I
7 didn't get to look at them closely.

8 Q. So they rushed you through it?

9 A. That's right.

10 Q. Okay. So you were unprepared? You just made this
11 up as you went along here?

12 MR. McDONOUGH: Objection.

13 THE COURT: Sustained.

14 MR. O'SHEA: One moment, your Honor.

15 THE COURT: Certainly.

16 MR. O'SHEA: Nothing further.

17 THE COURT: Any redirect?

18 MR. BROWN: No redirect, your Honor.

19 THE COURT: You may step down, sir.

20 THE WITNESS: Thank you, your Honor.

21 THE COURT: Call your next witness.

22 MR. McDONOUGH: Your Honor, the

23 United States of America will call Valentin Dima. He
24 will require the use of an interpreter. We do have an
25 interpreter present.

Mr. Valentin Dima - Direct

1 THE COURT: Ma'am, I will ask you to step up
2 first and raise your right hand.

3 (Doina Francu as interpreter was
4 administered and oath, and the following discussion was
5 held:)

6 MR. McDONOUGH: Where would the interpreter
7 sit, please?

8 MS. FRANCU: Normally, I sit next to the
9 witness.

10 THE COURT: Please raise your right hand.

11 VALENTIN DIMA

12 called as a witness by and on behalf of the Government,
13 being first duly sworn, was examined and testified
14 as follows:

15 THE WITNESS: Yes.

16 THE COURT: You may take a seat right over
17 there.

18 DIRECT EXAMINATION

19 BY MR. McDONOUGH:

20 Q. Please state your first name or given name, and
21 spell it for the benefit of our court reporter?

22 A. Valentin.

23 THE INTERPRETER: V-a-l-e-n-t-i-n.

24 THE COURT: Wait a minute. Did he spell
25 that?

Mr. Valentin Dima - Direct

1 THE INTERPRETER: No. Just pronounced it.

2 THE COURT: You have to interpret exactly
3 what he said.

4 THE WITNESS: I can spell it.
5 V-a-l-e-n-t-i-n.

6 BY MR. McDONOUGH:

7 Q. What is your last name or family name, and spell it
8 for the benefit of our court reporter?

9 A. Dima.

10 THE COURT: I don't know if Juror No. 1 can
11 see.

12 A. D-i-m-a.

13 Q. Have you committed any computer crime with anyone in
14 this courtroom?

15 A. Yes.

16 Q. Who?

17 A. That guy.

18 Q. What is his name?

19 A. Bogdan Nicolescu.

20 Q. Could you please point him out and describe the
21 clothing that he is wearing?

22 A. A black suit and blue shirt.

23 Q. Is he wearing a tie?

24 A. No.

25 Q. Is he at the front table or the back table?

Mr. Valentin Dima - Direct

1 A. At the front table.

2 Q. Is he wearing glasses?

3 A. Yes.

4 MR. McDONOUGH: Your Honor, may the record
5 reflect this witness has identified the Defendant.

6 THE COURT: Record may so reflect.

7 BY MR. McDONOUGH:

8 Q. How long have you known Bogdan Nicolescu?

9 A. From 2010.

10 Q. How did you meet him?

11 THE INTERPRETER: We met at his house.

12 Q. Where was his house?

13 THE INTERPRETER: In the town of Rasnov
14 spelled R-a-s-n-o-v near Brasnov.

15 Q. When?

16 THE INTERPRETER: In 2010.

17 MR. McDONOUGH: May we have the Government's
18 laptop back table, your Honor?

19 Q. Where is Brasov, Romania?

20 A. Near the sea of Brasov, B-r-a-s-o-v.

21 MR. McDONOUGH: Ms. Chandler, may we have
22 Government's Exhibit 1845?

23 BY MR. McDONOUGH:

24 Q. Using the red arrow, please point where Brasov is.

25 Where is Rasnov?

Mr. Valentin Dima - Direct

1 A. (Witness pointing.)

2 Q. How long does it take to drive from Bucharest to
3 Brasov?

4 A. Around three hours.

5 Q. Where did you go to school?

6 A. In Bucharest.

7 Q. How far did you go in school?

8 THE INTERPRETER: I went to college, but I
9 didn't finish.

10 Q. What did you study in college?

11 THE INTERPRETER: Marketing management.

12 Q. How did you meet Bogdan Nicolescu?

13 THE INTERPRETER: Through a mutual friend.

14 Q. Were you employed when you met Bogdan Nicolescu?

15 THE INTERPRETER: I had finished what I was
16 working at that time.

17 Q. What was his employment? What was your employment?

18 THE INTERPRETER: I was a real estate agent
19 and then a sales rep.

20 Q. How did you get involved with Bogdan Nicolescu?

21 THE INTERPRETER: Through mutual friend.

22 Q. How did you commit crimes?

23 THE INTERPRETER: Physically together from
24 the same place and also myself from my home.

25 Q. What crimes did you commit?

Mr. Valentin Dima - Direct

1 THE INTERPRETER: I don't know exactly how
2 to call them officially, but I think it is —

3 MR. GOLDBERG: Objection.

4 THE INTERPRETER: It is fraud.

5 THE COURT: Overruled. That will stand.

6 Q. What kind of fraud did you commit?

7 THE INTERPRETER: The internet.

8 Q. How?

9 THE INTERPRETER: By selling, making false
10 sales of cars.

11 Q. Did Bogdan Nicolescu have a nickname?

12 THE INTERPRETER: Yes.

13 Q. What was it?

14 THE INTERPRETER: Obe was one of them.

15 Q. Did he have others?

16 THE INTERPRETER: MOF.

17 Q. What is MOF?

18 THE INTERPRETER: It comes from master of
19 fraud.

20 Q. Master of fraud?

21 THE INTERPRETER: Yes.

22 Q. How did you communicate with Bogdan Nicolescu?

23 THE INTERPRETER: Both verbally and online.

24 Q. How did you communicate with him online?

25 THE INTERPRETER: Through a program, a

Mr. Valentin Dima - Direct

1 software that we had. I think it was called something
2 like Pidgin or something like that.

3 Q. What was your nickname?

4 THE INTERPRETER: Kaka, k a k a.Z T.

5 Q. Did you have a computer?

6 THE INTERPRETER: Yes, a laptop.

7 Q. Okay. How did you use your computer?

8 THE INTERPRETER: I used it after they
9 so-called prepared it for me.

10 Q. Who prepared your computer for you?

11 THE INTERPRETER: Obe.

12 Q. Where?

13 THE INTERPRETER: At his home.

14 Q. When?

15 THE INTERPRETER: At the beginning of 2010
16 before I started.

17 Q. How?

18 THE INTERPRETER: I don't exactly know how
19 to explain it from the technical point of view.

20 Q. What happened after obe or Nicolescu set up your
21 computer?

22 THE INTERPRETER: By starting to perform the
23 activity.

24 Q. What activity?

25 THE INTERPRETER: In the beginning, I

Mr. Valentin Dima - Direct

1 started posting announcements, ads for car sales on
2 eBay.

3 Q. Okay. How long did you do that?

4 THE INTERPRETER: For a few months I only
5 did this.

6 Q. Okay. How long were you at Nicolescu's house?

7 THE INTERPRETER: I went several times for a
8 few weeks.

9 Q. Did you make money?

10 THE INTERPRETER: Yes.

11 Q. How much?

12 THE INTERPRETER: I can only estimate around
13 \$70,000.

14 Q. How did you get paid?

15 THE INTERPRETER: Cash via the money was
16 brought to me, but I was also bringing in some money.

17 Q. Who paid you in cash?

18 THE INTERPRETER: Guy, I don't know how to
19 explain it.

20 Q. Okay. How long were you part of the eBay fraud?

21 THE INTERPRETER: Until the beginning of
22 2013.

23 Q. What happened in 2013?

24 THE INTERPRETER: I decided to stop because
25 I started to realize what the consequences would be.

Mr. Valentin Dima - Direct

1 Q. What were the consequences?

2 THE INTERPRETER: My life would just be
3 stopped at that point, and it wouldn't have been a good
4 life.

5 Q. How old are you?

6 THE INTERPRETER: I was born in '84.

7 Q. Do you have any family?

8 THE INTERPRETER: I have been married for
9 ten years.

10 Q. Who was involved in the fraud besides you?

11 THE INTERPRETER: I met about five or six
12 other people.

13 Q. Who —

14 THE COURT: Juror No. 1, are you able to
15 see, and Juror No. 7 are you okay? All right. Sorry,
16 Ma'am.

17 I am just going to ask you to speak
18 very loudly for our court reporter. I know it is
19 difficult.

20 BY MR. McDONOUGH:

21 Q. Who?

22 THE INTERPRETER: My brother.

23 Q. Who is your brother?

24 THE INTERPRETER: His name is Catalin
25 C-a-t-a-l-i-n.

Mr. Valentin Dima - Direct

1 Q. How did Catalin get involved.

2 THE INTERPRETER: I introduced him to obe.

3 Q. You brought your brother into this?

4 THE INTERPRETER: Yes.

5 Q. Are you familiar with GMX.com?

6 THE INTERPRETER: Yes.

7 Q. How are you familiar with GMX?

8 THE INTERPRETER: That's where we had our
9 IDs. That's where they made the IDs for us.

10 Q. Did you communicate via using e-mail with obe?

11 THE INTERPRETER: Yes.

12 Q. What was obe's e-mail?

13 THE INTERPRETER: Master Fraud probably at
14 gmail. I don't remember or sorry GMX.

15 MR. GOLDBERG: Objection.

16 THE COURT: Overruled.

17 MR. McDONOUGH: Your Honor, may we have the
18 Elmo? May I approach the witness, your Honor?

19 THE COURT: Of course.

20 BY MR. McDONOUGH:

21 Q. Showing you what has been marked for identification
22 purposes as Government's Exhibit 1854, do you recognize
23 any e-mails on this page?

24 A. Yes.

25 Q. What e-mail do you recognize?

Mr. Valentin Dima - Direct

1 A. Master Fraud, Natiune.

2 Q. Let me stop you right there. What is the Master
3 Fraud e-mail?

4 MR. GOLDBERG: What's the exhibit number?

5 MR. McDONOUGH: 1854.

6 THE COURT: Mr. McDonough, it is not on,
7 correct.

8 MR. O'SHEA: Not even up.

9 MR. McDONOUGH: Correct. I haven't even put
10 it on there yet. That's okay.

11 THE COURT: Okay. That's fine. I just want
12 to make sure.

13 BY MR. McDONOUGH:

14 Q. What is the Master Fraud e-mail?

15 THE INTERPRETER: The one that is here,
16 Master Fraud @ GMX.com.

17 Q. Do you see your e-mail?

18 THE INTERPRETER: Yes.

19 Q. What was your e-mail?

20 THE INTERPRETER: Yes. It is k e k e . z e t
21 e @ GMX.com.

22 Q. And showing you Government's Exhibit 1854, do you
23 the highlighted column, January 22nd, 2012?

24 THE INTERPRETER: Yes.

25 Q. Did you receive an e-mail from Master Fraud to you

Mr. Valentin Dima - Direct

1 and others?

2 THE INTERPRETER: Yes.

3 Q. What does CCS 2012 November 21 mean?

4 THE INTERPRETER: Credit cards.

5 Q. What does credit card mean?

6 THE INTERPRETER: This is a list of the
7 credit cards we were supposed to use.

8 Q. Who sent that credit card list to you?

9 THE INTERPRETER: Master Fraud.

10 Q. November 2nd, 2012, what does the e-mail subject
11 SSN RUI mean?

12 THE INTERPRETER: Maybe it is the Social
13 Security number or something like that.

14 MR. GOLDBERG: Objection.

15 THE COURT: Sustained.

16 BY MR. McDONOUGH:

17 Q. Only if you know, November 6th, 2012 — I'm sorry —
18 November 6th, 2012, do you know what 4094 means as the
19 subject?

20 THE INTERPRETER: I don't.

21 Q. November 7th, 2012, do you know what CC 20121107
22 means?

23 THE INTERPRETER: The same, credit cards.

24 Q. What was your role involving credit cards in the
25 fraud?

Mr. Valentin Dima - Direct

1 MR. GOLDBERG: Objection.

2 THE COURT: Overruled.

3 THE INTERPRETER: I was supposed to verify
4 them.

5 BY MR. McDONOUGH:

6 Q. Showing you the e-mail November 7, 2012, did you
7 send an e-mail to Master Fraud and others?

8 THE INTERPRETER: Yes.

9 Q. What does the word "updated CC list" mean?

10 THE INTERPRETER: Those were updated credit
11 cards, actually only those that were good.

12 Q. How did you check to make sure that credit cards
13 were good?

14 THE INTERPRETER: I was creating e-mail
15 addresses through Yahoo, and then I would upgrade the
16 account, the Yahoo plus, and to do that, they were
17 requesting a credit card.

18 MR. O'SHEA: Objection.

19 THE COURT: Overruled.

20 Q. Did you keep track of the credit cards that were
21 good?

22 THE INTERPRETER: Yes.

23 Q. How?

24 THE INTERPRETER: I would delete those that
25 didn't work and kept those that worked, and I put a note

Mr. Valentin Dima - Direct

1 about that.

2 Q. I am going to show you what has been marked as
3 Government's Exhibit 1204, page 1. On line 35 and 37 did
4 you make a note?

5 THE INTERPRETER: Yes.

6 Q. What was the note you made?

7 THE INTERPRETER: The fact that I used those
8 credit cards.

9 Q. What did you use the credit cards for?

10 THE INTERPRETER: I don't know exactly about
11 these.

12 Q. You were — okay.

13 How long did you work involving the credit
14 cards?

15 THE INTERPRETER: During all this time, I
16 also used credit cards.

17 Q. What did you use credit cards for?

18 THE INTERPRETER: To buy domains and
19 hosting.

20 Q. Where did you buy domains and hosting?

21 THE INTERPRETER: I don't remember exactly
22 but something like godaddy.

23 Q. Yes or no, did anyone instruct you on how to
24 purchase domains?

25 THE INTERPRETER: No.

Mr. Valentin Dima - Direct

1 Q. Where were you living during the time you were
2 committing these frauds?

3 THE INTERPRETER: As I said before, at my
4 home or together with obe or another house that I rented
5 from a friend.

6 Q. Okay. When did you stop being in the fraud?

7 THE INTERPRETER: At the beginning of 2013.

8 Q. Why?

9 MR. GOLDBERG: Objection. Asked and
10 answered.

11 THE COURT: Asked and answered. Sustained.

12 BY MR. McDONOUGH:

13 Q. I'm sorry. Did you ever have a conversation with
14 obe about the — about this fraud?

15 MR. GOLDBERG: Objection.

16 THE COURT: Sustained.

17 BY MR. McDONOUGH:

18 Q. Did you ever have a conversation with obe regarding
19 money?

20 MR. GOLDBERG: Objection.

21 THE COURT: Overruled.

22 THE INTERPRETER: Yes.

23 Q. What was your conversation involving money?

24 THE INTERPRETER: Connections with this,
25 with the fraud we were committing?

Mr. Valentin Dima - Direct

1 Q. Yes.

2 THE INTERPRETER: So what's the question?

3 Q. Did Nicolescu ever tell you anything about
4 money?

5 MR. GOLDBERG: Objection.

6 THE COURT: Overruled.

7 THE INTERPRETER: Yes.

8 Q. What did Nicolescu tell you?

9 THE INTERPRETER: I don't quite understand
10 about what you are talking about.

11 Q. How long were you at Nicolescu's house?

12 MR. GOLDBERG: Objection. Time.

13 THE COURT: Sustained.

14 BY MR. McDONOUGH:

15 Q. When were you at Nicolescu's house?

16 THE INTERPRETER: In 2011.

17 Q. What did Nicolescu have at his house?

18 MR. GOLDBERG: Objection.

19 THE COURT: Overruled. Do you understand
20 the question, sir?

21 THE INTERPRETER: Not precisely, no.

22 Q. I apologize. Bad question.

23 Between 2010 and 2013, when you were at
24 Nicolescu's house, who lived there?

25 MR. GOLDBERG: Objection.

1 THE COURT: Sustained.

2 You know what, how about if we adjourn for
3 the evening?

4 Ladies and gentlemen, it is a long — long
5 weekend, regular weekend but you cannot talk with anyone
6 about this case? You cannot form any opinion.

7 Please be downstairs at 9:00 a.m. Monday
8 morning. If you may or may not recall, we are going to
9 take lunch from 11:30 to 1:30 because I have to preside
10 over another proceeding. So 11:30 to 1:30, a two-hour
11 luncheon Monday. But 9:00 a.m. we will call for you and
12 bring you up as a group.

13 All rise for the jury.

14 (Jury out.)

15 MR. BROWN: This witness came with his
16 brother who is anticipated to testify next week. Because
17 he doesn't really speak English, could he and his brother
18 talk about issues not related to trial?

19 THE COURT: Yes, sure. Sir, you may not
20 speak with anyone regarding anything involving this case,
21 including your testimony, the testimony you have already
22 given, and testimony that you are going to be giving in
23 the near future on Monday.

24 Do you understand.

25 THE INTERPRETER: Yes.

1 THE COURT: And that includes your brother.
2 Understand?

3 THE INTERPRETER: Yes, I understand.

4 MR. BROWN: That also permits the FBI
5 checking with him on a regular basis, correct?

6 THE COURT: Yes, yes.

7 MR. O'SHEA: Okay. Thank you, Judge.

8 THE COURT: All right. I don't believe we
9 have many exhibits to discuss. Correct me if I am wrong,
10 I believe it is 1845.

11 MR. McDONOUGH: Can we have the Government's
12 back laptop, your Honor?

13 THE COURT: I don't have it. Any objection.

14 MR. GOLDBERG: No.

15 MR. O'SHEA: Which one was that?

16 THE COURT: It is up there. It is a
17 map. And then, are you offering at this point in time
18 1204?

19 MR. McDONOUGH: Yes, your Honor. We will
20 offer a redacted version of that.

21 MR. LEVINE: That's already in.

22 THE COURT: I think we discussed it. Before
23 I go any further, let me look at my notes. I apologize,
24 it is in already.

25 Correct me if I am wrong, other than defense

1 exhibits, I believe those are the only Government
2 witnesses for the day.

3 MR. O'SHEA: You have mean Government
4 exhibits, Judge?

5 MR. BROWN: 1446.

6 MS. CHANDLER: That was already admitted.

7 THE COURT: That was already admitted. Am I
8 correct?

9 MR. McDONOUGH: 1854.

10 MS. CHANDLER: Previously admitted.

11 THE COURT: That was previously admitted.

12 MR. McDONOUGH: Great.

13 MR. LEVINE: Okay. Just naming exhibits.

14 THE COURT: Anything else?

15 MR. BROWN: Yes, your Honor. Just to follow
16 up on something we have been talking about
17 intermittently, I have another commitment Monday morning,
18 so I would request some sort of instruction that there
19 is to be no negative bias or overjoy that I am not
20 present.

21 MR. O'SHEA: You haven't been here today.

22 MR. GOLDBERG: Are you saying I can't ask
23 the witness where do you think Mr. Brown is?

24 (Laughter.)

25 THE COURT: Okay, folks. I will handle it

1 so we can let George go. Nothing else for the record on
2 behalf of the Government?

3 MR. BROWN: Nothing else, your Honor.

4 MR. GOLDBERG: Nothing, your Honor.

5 MR. O'SHEA: Nothing further Judge.

6 THE COURT: All right. George, you are
7 excused.

8 (Trial adjourned at 4:50 p.m.)

9 - - - - -

10 C E R T I F I C A T E

11 I, George J. Staiduhar, Official Court
12 Reporter in and for the United States District Court,
13 for the Northern District of Ohio, Eastern Division,
14 do hereby certify that the foregoing is a true
15 and correct transcript of the proceedings herein.

16
17
18
19 s/George J. Staiduhar
20 George J. Staiduhar,
Official Court Reporter

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